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OF THE
House of Representatives
OF THE
STATE OF ALABAMA
REGULAR SESSION
OF 1995

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HOUSE OF REPRESENTATIVES
OF THE
STATE OF ALABAMA
REGULAR SESSION
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TWENTY-THIRD DAY

**House of Representatives
Montgomery, Alabama
Thursday, June 29, 1995**

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Dr. Larry J. Riddle, New Haven Baptist Church, Anniston, Alabama.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Laurel Crawford, 6th Grade, St. Bede, Montgomery, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the twenty-second legislative day and finds the same to be correct.

TOMMY CARTER
Chairman

On motion of Representative Carter, the reading at length of the Journal of the House for the twenty-second legislative day was dispensed with.

MOTION TO ADJOURN ADOPTED

Representative Hammett offered the motion that when the House adjourns today, it adjourns to meet again at 1:00 o'clock p.m. on July 11, 1995, and the motion was adopted.

RECESS

On motion of Representative Hammett, the House recessed.

HOUSE RECONVENED

The House reconvened. The Speaker called the House to order.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 277. To make an appropriation of \$56,347 from the State General Fund to the America's Junior Miss Pageant for the fiscal year ending September 30, 1996, and to require an operations plan and an audited financial statement prior to release of any funds.

TOMMY CARTER
Chairman

And the bill, H. 277, as engrossed, was ordered sent to the Senate.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.R. 301. DIRECTING THE AGRICULTURE AND INDUSTRIES DEPARTMENT TO STUDY AVAILABLE METHODS AND RESOURCES TO RELIEVE THE LADY BEETLE INFESTATION PROBLEM IN NORTH ALABAMA AND TO SUBMIT RECOMMENDATIONS TO RESOLVE THE PROBLEM.

WHEREAS, with considerable concern we note the growing problem concerning the Lady Beetle infestation in North Alabama; and

WHEREAS, the rapid increase in the population of these insects and the fact that the Lady Beetle is invading many private homes poses a substantial risk to the health, safety, and welfare of the citizens of this state; and

WHEREAS, because the beetle was introduced into the country by governmental officials, it is imperative that government study available and viable remedies to ensure that the Lady Beetle does not present a threat to the well-being of the people of our state; and

WHEREAS, the Alabama House of Representatives declares its sincere interest in resolving this significant health problem and has determined it is appropriate for the state to investigate possible solutions to assist our citizens in regard to this important issue; now therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, That the Department of Agriculture and Industries is directed to instigate a study of available methods and resources the state currently possesses to resolve this critical health problem. The Commissioner of the Department of Agriculture and Industries shall promptly submit the results of the study and the recommendations of the department regarding this issue to the Agriculture, Forestry and Natural Resources Committee of the Alabama House of Representatives.

BE IT FURTHER RESOLVED, That a copy of this resolution be forward to the Commissioner of the Department of Agriculture and Industries so that our concerns and directions are clearly conveyed.

On motion of Representative Carter, the resolution, H.R. 301, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 299. MOURNING THE DEATH OF LUCILLE WHITE FREEMAN OF BROWNSVILLE, ALABAMA.

WHEREAS, it is with a sense of great sadness and regret that the Alabama Legislature mourns the death of Mrs. Lucille White Freeman of Brownsville, Alabama, June 9, 1995, at the age of 77 years; and

WHEREAS, affectionately known as "Honey," Lucille Freeman was a dedicated wife to her husband, the late David Freeman, known as "Buddy," and the couple shared the finest Christian love and served as a shining example to all; and

WHEREAS, a staunch upholder, Lucille Freeman, who accepted Christ at an early age, was an active member of the Morning Star Baptist Church in Birmingham, Alabama, where she served as a Sunday School Teacher and on the Usher Board, until the Freeman family moved to Brownsville; and

WHEREAS, Lucille continued to serve as a fine Christian in her work as a dedicated member of St. Luke Missionary Baptist Church where she served on various boards and auxiliaries including the Sunday School, Senior Choir, and Missionary Society; and

WHEREAS, Lucille Freeman devotedly served her community as a member of the Sisters of the Eastern Star (Avondale Lodge Number 6), and the 101 Prayer Band, to name but a few; her warm and gentle presence will be greatly missed by all with whom she was associated; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Lucille White Freeman of Brownsville, Alabama, and extend our heartfelt sympathy to her eight sons, three daughters, thirty-three grandchildren, twenty-one great grandchildren, and other close family members and friends for whom a copy of this resolution of sincere condolence shall be provided.

On motion of Representative Carter, the resolution, H.J.R. 299, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 303. AMENDING ACT 95-100, HJR 55 OF THE 1995 REGULAR SESSION ENTITLED "DESIGNATING HIGHWAY 278 IN WINSTON COUNTY AS 'LOONEY'S TAVERN PARKWAY'."

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Act No. 95-100, HJR 55 of the 1995 Regular Session "Designating Highway 278 in Winston County as 'Looney's Tavern Parkway'" is amended by deleting in its entirety paragraph one of the act and inserting a new paragraph one as follows:

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the portion of Highway 278 that extends westward from Interstate 65 in Cullman County to the Marion County line is designated as "Looney's Tavern Parkway."

BE IT FURTHER RESOLVED, That the Department of Transportation shall pay for, erect, and maintain signs which show this designation.

On motion of Representative Carter, the resolution, H.J.R. 303, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 305. COMMENDING RAY L. AND ROY HAYES OF CHEROKEE, ALABAMA.

WHEREAS, it is with great pleasure and extraordinary pride that the Alabama Legislature recognizes Alabama's many courageous young men and women who have willingly answered when called to protect freedom and liberty at home or abroad; and

WHEREAS, two such individuals, in whom we are justly proud, are Ray L. Hayes and his twin brother, Roy Hayes, of Colbert County, who bravely served as members of the 24th Division of the Alabama National Guard during the Korean War; and

WHEREAS, as with many young men who have experienced the tragedies of war, Ray Hayes recalls vivid memories of the incident in a book soon to be released in which he thoughtfully preserves these images and experiences for posterity, along with a recounting of his service in the military, his childhood, growing up in the Riverton community, and his later life in the Cherokee community of West Colbert County; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in tribute to outstanding contributions and service to community, state, and nation, highest commendation is hereby accorded Ray L. Hayes and Roy Hayes of Cherokee, Alabama, for whom copies of this resolution shall be provided.

On motion of Representative Carter, the resolution, H.J.R. 305, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 110. COMMENDING JANE HOLLEY BURNETT OF VERNON, ALABAMA, ON THE OCCASION OF HER RETIREMENT.

On motion of Representative Carter, the House concurred in and adopted the resolution, S.J.R. 110.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 111. DESIGNATING H. 195 OF THE 1995 REGULAR SESSION THE "KEN GUIN ALABAMA COAL PRODUCTION ACT."

On motion of Representative Carter, the House concurred in and adopted the resolution, S.J.R. 111.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 313. MOURNING THE DEATH OF JOHN DARRYL MURPHY OF GREENVILLE, ALABAMA.

WHEREAS, it is with profound sorrow that the Alabama Legislature records the untimely death of John Darryl Murphy of Greenville, Alabama, on June 18, 1995, at the age of 59 years; and

WHEREAS, Mr. Murphy, who died as the result of a tragic drowning accident, had served as plant manager of Allied Signal's Greenville plant operations for the last 13 years; and

WHEREAS, a native of Brantley, Alabama, Mr. Murphy earned his B.S. degree in Industrial Management from Auburn University, and, following successive tenures of service with Sears Roebuck, Dan River Mills, and Modern Fibers in Greenville, joined Allied Signal in 1980, as manager of engineering, advancing to the position as plant manager of the local facility in 1982: and

WHEREAS, Mr. Murphy was widely recognized as one of Greenville's most prominent civic leaders, and contributed significantly toward improving the quality of life of the community and its citizens; and

WHEREAS, he was a staunch supporter of education and the local school system, and gave generously and selflessly of his time and talents in leadership and support of community affairs, including his current term as head of the Greenville Water Works and Sewer Board, and his involvement with the Greenville Jaycees, which recognized him as Community Leader of the Year in 1993: now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That even as we mourn his death, thanks are given for the life and service of John Darryl Murphy of Greenville, Alabama, and deepest heartfelt sympathy is hereby extended to his beloved wife, Susan Marie Samford Murphy; mother, Mrs. Evelyn Murphy; son, John Darryl Murphy, Jr.; daughter, Jean Marie Murphy Coker, and son-in-law, Gregory W. Coker; brother, Charles K. Murphy; grandchildren, Amanda Marie Coker and Michael Gregory Coker; and to other family members, for whom a copy of this resolution of sincere condolence shall be provided.

On motion of Representative Carter, the resolution, H.J.R. 313, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 314. MOURNING THE DEATH OF MR. GEORGE ALVIN DICKINSON, JR., OF MOBILE, ALABAMA.

WHEREAS, it is with a sense of deep sadness and regret that the Alabama Legislature grievously mourns the death of Mr. George Alvin Dickinson, Jr., of Mobile, Alabama, June 23, 1995; and

WHEREAS, Mr. Dickinson was a life-long and very active member of the Stewart Memorial Christian Methodist Episcopal Church where, at the time of death, he was serving as Assistant Sunday School Superintendent, Recording Steward, and a member of the Board of Christian Education; and

WHEREAS, a native of Mobile who attended Central High School, Mr. Dickinson was a graduate of Alabama State University, Mobile Branch (now Bishop State Community College), and Alabama State University, and was a beloved teacher and principal in the Mobile County Public School System; and

WHEREAS, Mr. Dickinson was a well-respected man of the community who was involved in many notable civic and religious activities such as the Hiram Lodge Number 3 F. & A. M., Oriental Consistory Number 17, Palestine Temple Number 18, Utopia Club Inc., Mobile Alumni Chapter of Kappa Alpha Psi Fraternity, and the Gulf City Lodge Number 244; and

WHEREAS, George Alvin Dickinson was indeed a warm and gracious man who donated his time to the service of others as a volunteer with Sickle Cell, Mental Health, Crime Stoppers, and the University of South Alabama Hospital, to name but a few; he will be greatly missed by the many he inspired and encouraged; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the lamentable death of Mr. George Alvin Dickinson, Jr., of Mobile, Alabama, June 23, 1995, and extend our heartfelt sympathy to his wife, Margaret W. Dickinson; one son, George Alvin, III; and other close family members and friends, including one sister, two brothers, and many nieces and nephews, for whom a copy of this resolution of sincere condolence shall be provided.

On motion of Representative Carter, the resolution, H.J.R. 314, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 315. MOURNING THE DEATH OF MRS. JESSIE MAE BOYKINS OF BIRMINGHAM, ALABAMA.

WHEREAS, it is with deep and abiding sorrow that the Legislature of Alabama records the death of Mrs. Jessie Mae Boykins of Birmingham, Alabama, on April 6, 1995, at the age of 68 years; and

WHEREAS, born May 23, 1926, in Benham, Kentucky, Mrs. Boykins was the fourth of ten children, and a graduate of Parker High School; and

WHEREAS, Mrs. Jessie Mae Boykins was a dearly beloved member of the Birmingham community, and a warm and gentle Christian lady whose kind deeds and unselfish service, as well as her love and concern for others endeared her to all who were privileged to know her; and

WHEREAS, in the death of Mrs. Boykins, the community, her many friends, and her loving family have indeed suffered an inconsolable loss, which leaves them sorely bereft in grief, but with memories and their hopes of reunion to sustain them; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That even as we bow in submission to the will of God, we give thanks for the life and service of Mrs. Jessie Mae Boykins of Birmingham, Alabama, and extend our deepest sympathy to her eight devoted daughters, Jacqueline (Henry) Scruggs, Marilyn Miller, Beverly Clemons, Ann Albert, Johnnie (Henry) Starks, Darlene (Clarence) Outsey, Janet (Kenneth) McReynolds, Evelyn Clemons; three sons, Arthur Lee, Evan, and Norman C. Boykins; two sisters, Eunice Rogers, and Etrollia Faniel; five brothers, Lovell Bonner, Arthur Lee, Howard, Allen, and Edgar Bonner; aunt, Bernice Cohill; thirty grandchildren and eighteen great-grandchildren; and to other close family members and friends, for whom a copy of this resolution of sincere condolence shall be provided.

On motion of Representative Carter, the resolution, H.J.R. 315, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 316. HONORING THE WINSTON AND BETHLONIA JOHNSON FAMILY ON THE OCCASION OF THEIR FIRST FAMILY REUNION.

WHEREAS, it is with great pleasure that the Alabama Legislature welcomes the Johnson Family Reunion which is being held in Montgomery, Alabama, June 30, July 1, and July 3, 1995; and

WHEREAS, for the occasion the Johnson family has chosen the theme, "We Are the Children"; and

WHEREAS, Winston and Bethlonia Johnson, two African-Americans joined in matrimony and parents of 12 children, reared their family while working as sharecroppers in Ramer, Alabama, in Montgomery County; and

WHEREAS, Mr. and Mrs. Johnson passed a faith in God and a commitment to excellence to five generations of their descendants; and

WHEREAS, Mr. and Mrs. Johnson's descendants have excelled and contributed in the areas of business, accounting, law, dentistry, real estate, health care, literary arts, government service, and as skilled craftspersons; and

WHEREAS, more than 100 members of Mr. and Mrs. Johnson's family, representing five generations, are convening the first family reunion in Montgomery; and

WHEREAS, family members from Alabama, Florida, Georgia, Maryland, Nebraska, New York, Ohio, Oklahoma, and Virginia will attend; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby acknowledge, honor, and applaud the contributions of the family of Winston and Bethlonia Johnson on the occasion of the first Johnson Family Reunion at the family banquet on July 1, 1995, and do furthermore direct that the family receive a copy of this resolution with best wishes for many more happy years together.

On motion of Representative Carter, the resolution, H.J.R. 316, was adopted.

BILLS ON SECOND READING

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 85. To provide further for the purchase of service credit by members of the Teachers' Retirement System.

H. 702. To amend Sections 12-18-6, 12-18-40, 12-18-55, and 12-18-84, Code of Alabama 1975; to provide that justices of the Supreme Court, judges of the court of appeals, circuit court judges, district court judges, and probate judges may retire with not less than 24 years of service; and to provide an effective date.

S. 214. Providing for distinctive motor vehicle license tags or plates for supporters of the United States Olympic Committee and the Alabama Sports Foundation to commemorate the 1996 Olympic Games; prescribing the fees for the tags or plates; providing for disposition of the net proceeds from the fees; providing for an expiration date for the manufacture of the tags or plates; and providing for a delayed effective date.

H. 29. To amend Section 9-11-7 of the Code of Alabama 1975, to authorize a district attorney's fee to be taxed against the defendant in the district courts of this state in cases involving violations of the game and fish laws or rules and regulations in the same manner as a district attorney's fee is taxed and collected in all other cases in the district courts of this state.

H. 52. To amend Section 16-22-9 of the Code of Alabama 1975, to further provide for the establishment of a sick leave bank plan by an educational authority

under certain conditions, and to provide that an employee would be required to be a member of the sick leave bank to donate or receive catastrophic sick leave days.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 57. (With Amendment): To make a supplemental appropriation from the General Fund in the State Treasury to the House of Hope, Inc., in Prichard, Alabama, for the fiscal year ending September 30, 1995.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 175. To amend Sections 32-6-230, 32-6-231, 32-6-232, 32-6-233, 32-6-234, 40-12-300, and 40-12-302, Code of Alabama 1975, relating to motor vehicle registration and license tags and placards for handicapped persons; and to establish license fees.

H. 186. To exempt volunteer fire department from the payment of the license and registration fees and ad valorem taxes on any motor vehicles used exclusively for firefighting.

H. 301. To amend Section 40-23-5 of the Code of Alabama 1975, to exempt rescue units from state, county, and municipal sales and use taxes.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 323. (With Substitute): To provide distinctive motor vehicle license tags or plates to honor cotton producers; to provide for the fees for these tags or plates and for the disposition of the net proceeds from the fees; and to provide for a delayed effective date.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 337. To reopen the Employees' Retirement System to allow an active and contributing member to purchase credit in the system for prior service rendered to a local mental health authority and to provide for payment of the costs of purchasing the service credit.

H. 738. To amend Section 36-29-14 of the Code of Alabama 1975, relating to the state employees' health insurance plan, and providing procedures for the officers, employees, and retirees of the Alabama Retired State Employees' Association to be covered under the plan; and to provide additional requirements for entities withdrawing from participation.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with substitute, and they were severally read a second time and placed on the Calendar, to-wit:

H. 382. (With Substitute): Providing for certain contract employees of the Alabama Film Office to become unclassified state employees under the hiring and dismissal authority of the Director of the Alabama Development Office and for certain benefits and holidays for the employees.

H. 390. (With Substitute): Providing for distinctive motor vehicle license tags or plates for supporters of Alabama Forests; prescribing the fees for the tags or plates; providing for the establishment of a "Forest Stewardship Education Fund"; providing for the establishment of the "Alabama Forest Stewardship Education Fund"; providing for disposition of the net proceeds from the fees; providing for an expiration date for the tags or plates; and providing for a delayed effective date.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 393. To amend Section 1 of Act No. 94-614, S. 375, 1994 Regular Session (Acts 1994, p. 1132), now appearing as Section 32-6-360 of the Code of Alabama 1975, relating to distinctive license tags or plates bearing the words "Fraternal Order of Police"; and to provide that only active members of the Fraternal Order of Police would be eligible to receive the distinctive license tags.

H. 399. To provide distinctive motor vehicle license tags or plates for supporters of the Alabama Shakespeare Festival; to provide for the fees for these tags or plates and for the disposition of the net proceeds from the fees; and to provide for a delayed effective date.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with amendment, and they were severally read a second time and placed on the Calendar, to-wit:

H. 450. (With Amendment): To amend Section 36-22-63, Code of Alabama 1975, to provide further for purchase of prior service credit in the supernumerary program for sheriffs.

H. 455. (With Amendment): To amend Section 36-27-50, Code of Alabama 1975, to reopen the Employees' Retirement System for a certain time to allow certain temporary legislative employees to purchase certain prior service credit in the retirement system.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 464. Providing for a member of the Employees' Retirement System to purchase credit in the system for certain prior service rendered to the United States Federal Reserve System by a certain date.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 520. (With Amendment): To amend Section 32-6-250 of the Code of Alabama 1975, relating to distinctive license plates; to provide that a Medal of Honor or Purple Heart Medal recipient or a duly recognized American Prisoners of War may be issued an additional number of distinctive plates if the person pays the ad valorem taxes for the second and subsequent license plates.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with amendments, and they were severally read a second time and placed on the Calendar, to-wit:

H. 527. (With Amendments): To provide procedures for securing reimbursement to the Department of Corrections and counties of the expenses incurred by the state or county correctional facility for the cost of care of all persons sentenced to confinement or imprisonment in the correctional facilities; to specify the amount the state or county may seek in reimbursement and to specify certain exceptions and mitigating considerations; to specify penalties for the failure of a prisoner to cooperate; to specify the exclusive jurisdiction of the circuit court and to provide for the respective legal proceedings; to specify the powers of the Attorney General; to provide for the cost of investigation, collection, and court proceedings; and to provide that the determination of the Department of Finance of the amount due the state or county constitutes prima facie evidence of the amount.

H. 584. (With Amendments): To amend Section 40-18-15, Code of Alabama 1975, to provide a deduction in state taxes for premiums paid for qualifying long-term care coverage; to provide requirements which a qualifying long-term care contract shall meet.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 636. (With Amendment): To provide for imposition of an additional fee in criminal and civil proceedings to supplement forensic operations; to establish the Alabama Forensic Services Trust Fund; and to appropriate \$400,000 from the fund to the Department of Forensic Sciences for the 1996 fiscal year and an effective date.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 637. To allow the Department of Forensic Sciences to charge a fee for the use of department personnel in private lawsuits; to establish the Alabama Forensic Services Trust Fund and to appropriate \$130,000 from the fund to the Department of Forensic Sciences for the 1996 fiscal year.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 725. (With Amendment): To amend Section 36-27-57, Code of Alabama 1975, to reopen the Employees' Retirement System for purchase of credit for certain prior service with a district attorney.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 746. Reopening the Employees' Retirement System to allow certain active and vested members of the system to purchase certain credit in the system for service rendered to the Office of Minority Business Enterprise.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 761. (With Substitute): To make an appropriation from the Alabama Special Educational Trust Fund to the Exploreum Museum of Discovery for the fiscal year ending September 30, 1996, and to require an operations plan and audited financial statement prior to release of any funds.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 769. To amend Section 17-4-156, Code of Alabama 1975, to provide further for the working days of the Lawrence County Board of Registrars.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 787. (With Amendment): To provide for the establishment, composition, and powers of the North Alabama Agricultural Museum and Hall of Fame Board.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 788. To amend Section 40-23-7, Code of Alabama 1975, to provide further for the payment of quarterly sales tax returns.

H. 798. Providing for distinctive motor vehicle license tags or plates for supporters of the Alabama Heart Association; prescribing the fees for the tags or plates; providing for the disposition of the net proceeds from the fees; and providing for a delayed effective date.

H. 835. To exempt the Rainbow Omega, Inc., from the payment of all state, county, and municipal sales and use taxes.

H. 858. To exempt certain public utility systems formed under Article 10 (commencing with Section 11-50-340) of Chapter 50 of Title 11 of the Code of Alabama 1975, from sales, use, and similar gross receipts taxes; and to provide for retroactive effect to June 29, 1951.

H. 863. To amend Section 15-23-5 of the Code of Alabama 1975, relating to the duties of the Alabama Crime Victims Compensation Commission to authorize payment for sexual assault examinations; to amend Section 15-23-12 relating to claims which may be denied or reduced; to amend Section 15-23-16 to increase the cap on expenditures for administrative purposes; to amend Section 15-23-17 relating to crime victim costs and assessments to clarify that the additional costs and crime victim assessments shall be assessed in certain juvenile and youthful offender cases.

H. 886. To amend Section 40-17-174 of the Code of Alabama 1975, to provide for a one-time collection of the wholesale oil license fee.

H. 684. Reopening, for a certain time, the Teachers' Retirement System for purchase of certain service credit by certain active members for certain prior service rendered to an employer who may join the system pursuant to Section 16-25-10.7, Code of Alabama 1975, but has not elected to participate.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 856. (With Substitute): To provide for an energy and weatherization assistance program; and to create the Neighbors Helping Neighbors Fund; and to provide that the Department of Economic and Community Affairs will administer the monies.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with amendment, and they were severally read a second time and placed on the Calendar, to-wit:

H. 58. (With Amendment): To provide distinctive motor vehicle license tags or plates for members of the Masons; providing for the fees for these tags or plates and for the disposition of the net proceeds from the fees; and providing for a delayed effective date.

H. 913. (With Amendment): To make an appropriation of \$125,000 from the State General Fund to the Shoals Entrepreneurial Center for the fiscal year ending September 30, 1995, and to require an operations plan and an audited financial statement prior to release of any funds.

Representative Newton (D), Chairperson of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 842. (With Amendment): To provide that the term "physician" as used in the Alabama Rules of Civil Procedure providing for the use of the deposition of a physician in court proceedings in a civil action shall include a Doctor of Chiropractic Medicine.

Representative Newton (D), Chairperson of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 385. To amend Sections 15-12-1, 15-12-4, and 15-12-25, Code of Alabama 1975, relating to the defense of indigents, to define further the term "indigent defense system" to include the use of a contract counsel system; to

provide for and authorize a contract counsel system for use in each county for providing indigent defense services by one or more attorneys, law firms, associations, corporations, or partnerships, pursuant to one or more contracts with the circuit indigent defense commission, approved by the presiding circuit judge; to provide for compensation under each contract to be set by the circuit indigent defense commission, subject to review by the Administrative Director of Courts, and approval by the State Comptroller; and to provide that certain provisions shall not be construed to supersede any provision of the Alabama Rules of Criminal Procedure or any other provision of law relating to public defenders.

S. 521. Amending Section 15-10-3, Code of Alabama 1975, which provides the circumstances when a law enforcement officer may arrest without a warrant; to add harassment as an additional category of domestic violence; and to expand the definition of family or household member.

S. 522. To provide that domestic violence is detrimental to the child and to create a rebuttable presumption that it is not in the best interest of the child to be in the sole or joint custody of a parent who is the perpetrator of domestic or family violence; to specify factors to be considered by a court in awarding custody, visitation, and modification of an order.

S. 523. To amend Section 15-23-42 of the Code of Alabama 1975; to provide for the termination of the confidential communications privilege of a crime victim counselor upon the death of the victim.

S. 524. Amending Sections 30-5-1, 30-5-2, 30-5-3, 30-5-4, 30-5-5, 30-5-6, 30-5-7, 30-5-8, 30-5-9, and 30-5-10 of the Code of Alabama 1975, relating to protection from abuse orders; to specify the purposes of the law, to expand the meaning of abuse and family and household members and to define certain other terms; to specify how an order may be obtained, jurisdiction, venue, hearings and legal proceedings, and for the content and issuance of protection orders; to provide remedies and relief; to prescribe criminal penalties; and to provide for a prospective effective date.

Representative Newton (D), Chairperson of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 795. (With Amendment): Relating to sewers or sewer system assessments; to prohibit foreclosure for delinquent sewer or sewer system assessments when a person is in residence on the property.

Representative Newton (D), Chairperson of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 793. Prohibiting the sale or offer for sale of a ticket to an athletic or other entertainment event for an excessive price and prescribing penalties for violations, effective August 1, 1995.

Representative Hooper, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 907. To add Section 40-18-31.1 to the Code of Alabama 1975, to provide a limited one-time election to foreign corporations commercially domiciled outside of Alabama, to confirm as proper their classification of dividends from subsidiaries not doing business in Alabama as nonbusiness income and therefore taxable by the state of their commercial domicile; and to provide an effective date.

Representative Hooper, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 901. (With Substitute): To amend Sections 36-25-7 and 36-25-14 of the Code of Alabama 1975, as amended by Act No. 95-194, H. 135 of the 1995 Regular Session, relating to the State Ethics Law; to remove the requirement that a thing of value be offered, given, solicited, or received for the purpose of influencing official action to be a violation of the State Ethics Law; to remove the exemption of coaches of athletic teams of four-year institutions of higher education from filing the statement of economic interests; and to provide an effective date.

Representative Hooper, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 850. To amend Section 12-17-142 of the Code of Alabama 1975, relating to supernumerary clerks and registers and contributions to the Clerks' and Registers' Supernumerary Fund; to provide further for surviving spouse benefits.

S. 56. To amend Sections 41-16-50, 41-16-51, 41-16-52, and 41-16-54, Code of Alabama 1975, relating to competitive bid laws, to provide for a variance on competitive bids let by a county, municipality, or any instrumentality thereof to certain local bidders; to provide that competitive bidding requirements shall not apply to existing contracts up for renewal for recycling between municipalities and counties and those providing the service; to provide for an increase in the minimum expenditures for the leasing of heavy duty off-highway equipment; and to provide that all original bids together with all documents pertaining to the award of the contract shall be retained for a period of seven years from the date the bids are opened.

S. 190. To amend Section 13A-11-75, Code of Alabama 1975, relating to the issuance of pistol permits by the sheriff of the county; to provide further for the application forms, duplicated licenses, and the amount of issuance fees; and to authorize the sheriff to perform all acts necessary to comply with federal firearm statutes and regulations.

S. 394. To transfer the LaGrange Historical Site owned by the Alabama Historical Commission to the LaGrange Living Historical Association.

H. 846. To amend Section 15-22-36 of the Code of Alabama 1975, relating to the granting of pardons and paroles; to provide that a pardon may be granted with the written approval of the Governor.

Representative Hooper, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 618. (With Amendments): Relating to public records; to provide for the imposition of civil penalties against a public officer, public employer, or public employee denying a citizen a copy or copies of public records.

Representative Flowers, Chairperson of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 303. To amend Section 9 of Act No. 93-846 of the 1993 First Special Session, now appearing as Section 22-11A-68, Code of Alabama 1975, to add physicians to the list of persons granted good faith immunity for reporting state health workers infected with HIV or HBV to the State Health Officer.

Representative Hill, Chairperson of the Standing Committee on Banking, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 296. To amend Section 5-18-15 of the Code of Alabama 1975; and to provide for default or extension charges which may be charged and collected in connection with small loans pursuant to the Alabama Small Loan Act.

Representative Laird, Chairperson of the Standing Committee on Insurance, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 866. To amend Section 11-43-144, Code of Alabama 1975; to provide further for compensation for death or disability of fire fighters from occupational diseases.

Representative Parker (P), Chairperson of the Standing Committee on Education, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 780. To establish the "Family Responsibility Act of 1995; to provide for personal care homes or facilities and private care homes; to provide for companion, sitter, or personal care tasks; and to provide for definitions.

H. 706. To amend Section 41-16-51, Code of Alabama 1975, relating to public contracts where competitive bidding is not required, to include school supplies purchased by a school if the supplies are cheaper on sale or where a business is going out of business.

Representative Lindsey, Chairperson of the Standing Committee on Agriculture, Forestry and Natural Resources, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 680. (With Substitute): To provide for a lifetime resident saltwater fishing license and for its issuance; and to provide for the establishment of the Alabama Marine Resources Endowment Fund within the Marine Resources Fund and for the deposit of fees from the license provided by this act into the endowment fund.

Representative Venable, Chairperson of the Standing Committee on Constitution and Elections, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 146. To provide for the nonpartisan election of judges; to provide for a filing fee to be paid by judicial candidates, to be deposited into the State General Fund; to provide for filing with the Secretary of State of an affidavit of indigency in lieu of payment of the filing fee provided herein; and to amend Sections 17-7-20, 17-16-20, 17-8-1, 17-8-4, and 17-16-18 of the Code of Alabama 1975.

H. 422. To propose an amendment to the Constitution of Alabama of 1901, providing that regular sessions of the Legislature in all odd-numbered years shall be limited to subjects pertaining to local legislation, matters of the budgets, and certain other legislation; providing for the subject matter for regular sessions during even-numbered years and allowing certain exceptions; and providing for the duration of sessions.

The above bill was read a second time at length as required by the Constitution.

H. 817. To provide for the nonpartisan election of certain judicial

candidates; to provide for a filing fee to be paid by judicial candidates, to be deposited into the State General Fund; and to amend Sections 17-7-20, 17-16-20, 17-8-1, 17-8-4, and 17-16-18, Code of Alabama 1975.

Representative Knight (A), Chairperson of the Standing Committee on Commerce, Transportation and Utilities, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 818. To repeal Article 2 of Chapter 2 of Title 37 of the Code of Alabama 1975, Sections 37-2-170 to 37-2-184, inclusive, relating to certain telephone companies and requiring approval of the Public Service Commission prior to obtaining loans under certain conditions.

Representative Dukes, Chairperson of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 305. To provide that the city council of any Class 3 municipality may remove, demolish, or repair buildings, structures, or portions thereof which are unsafe to the extent of creating a public nuisance; to provide for the right to collect special assessments and for liens against the property for the cost of the removal, demolition, or repair; and to provide for a civil cause of action to enforce the lien.

S. 308. Relating to Class 3 municipalities; providing that certain weeds and grass growing upon streets, sidewalks, and private property and certain other physical conditions may be declared a public nuisance in a Class 3 municipality which is organized pursuant to Chapter 43, Title 11 of the Code of Alabama 1975; establishing the procedures for determining whether they are a public nuisance; providing for notice to be given to the property owner concerning the public nuisance, and a procedure for assessing costs of the removal against the property, constitute the same as a lien; and providing for the collection of the assessments and the enforcement of the lien.

Representative Dukes, Chairperson of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 91. (With Substitute): To amend Section 34-6-12, Code of Alabama 1975, relating to gambling and sale of intoxicating liquors in billiard rooms, to allow the sale of intoxicating liquors in billiard rooms in Class 6 municipalities.

Representative Dukes, Chairperson of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 632. Relating to health insurance; to authorize the local unit participants in the Employees' Retirement System to extend health insurance coverage to certain retirees, designated beneficiaries, and surviving spouses receiving benefits from the Employees' Retirement System; to authorize the local units to participate in a health insurance plan developed by the State Employees' Insurance Board or the Alabama Retired State Employees' Association and to authorize payment by the local units for the costs of the health insurance.

H. 819. To authorize the governing bodies of counties and municipalities within the state to establish intercooperative public corporations for efficient compliance with applicable federal and state laws, rules and regulations relating to storm water discharges into municipal separate storm sewers; to provide the designated governing bodies of counties and municipalities within the state with the legal authority to control the contribution of pollutants to municipal storm sewers by storm water discharges associated with industrial activity, as well as illicit discharges and other discharges not composed entirely of storm water, to the extent the same is required under federal and state regulations; to authorize the counties and municipalities the option to participate with the public corporation; to authorize the public corporation to employ individuals directly or indirectly, to contract services, to purchase real and personal property, to construct and operate storm water facilities, to undertake studies and develop information regarding storm water runoff, to adopt policies, procedures, and rules applicable to its members, to develop pro forma remedies and procedures for enforcement of resolutions and ordinances, to sue and be sued except as immunized hereby, to establish the cost, charges, fees, or assessments necessary to fund operations and activities, to establish procedure for assessment and collection by the tax assessor and tax collector of such cost, charges, fees, or assessments levied by a member governing body, to authorize its agents to enter public or private property to investigate contamination with immunity from trespass, to conduct public hearings in the development of pro forma regulations and ordinances; to exempt the property and income and conveyances of or by the public corporation from state and local taxation and probate fees and taxes; to immunize the public corporation from civil suit and its board members and employees from liability for official duties; to confirm the governmental function of the public corporations' activities; to confirm the same or similar authority, powers, and immunity of governing bodies to control, prohibit, and enforce storm water laws and regulations; to confirm governing bodies' authority to adopt resolutions and ordinances to implement the storm water laws and procedures and this act and to participate in the public corporation and with other governing bodies and to authorize the governing bodies to establish fees, charges, or assessments without referendum unless required by the Constitution, to authorize the levy and collection thereof by the tax assessor and tax collector, to establish by resolution or ordinance necessary enforcement measures, civil suit, and injunctive remedies; to confirm governing bodies' eminent domain authority; to require the tax assessor and tax collector to assist in the collection of fees, charges, and assessments, to establish a lien therefor and a collection commission, to exclude the Alabama Department of Environmental Management permittees, to confirm the continuing authority of the Alabama Department of Environmental Management and other

state agencies; to declare the severability provisions and to establish an effective date.

H. 851. To amend Section 11-89A-18, Code of Alabama 1975, which relates to exemption from laws regarding competitive bidding, to clarify the existing provision that contracts with solid waste disposal authorities authorized by municipalities entered into by the municipalities who authorized the solid waste disposal authorities with whom the municipalities contract are exempt from the laws regarding competitive bidding, and to provide that solid waste disposal authorities authorized by counties, contracts entered into by solid waste disposal authorities authorized by counties and contracts with solid waste disposal authorities authorized by counties entered into by the counties who authorized the solid waste disposal authorities, are exempt from the laws regarding competitive bidding.

H. 873. To amend Section 11-51-91, Code of Alabama 1975, which relates to license taxes in the police jurisdiction of a municipality, so as to provide that any calculation as to the cost of providing services in the police jurisdiction shall not be required to be made based upon the incremental cost accounting method or any similar method which excludes therefrom the fixed or capital cost or expenditures of the municipality to provide services in the police jurisdiction; to provide that it shall be sufficient calculation that the municipality make a reasonable estimate of the cost of providing the services within the police jurisdiction, including any fixed or capital cost it deems reasonable; to provide that a municipal governing body may cease to levy and collect license taxes, sales taxes, and use taxes within its respective police jurisdiction and, at the same time, cease providing services in the police jurisdiction financed in whole or in part thereby and to establish a procedure for the implementation thereof; to provide for the return of excess taxes collected from the police jurisdiction; to authorize a municipality that has terminated police jurisdiction services to enter into written contracts with businesses and residents located outside the corporate limits of the municipality to provide services for a fee, provided, adequate equipment and personnel are available and not being used to provide services to the businesses or residents located outside the corporate limits of the municipality, but within the police jurisdiction; to provide immunity from any liability or damages arising out of or in any way associated with the decision to terminate police jurisdiction services and taxation in the police jurisdiction; to provide that no city or town shall be required or compelled through injunctive, declaratory, or any other form of equitable or mandatory relief by any court of competent jurisdiction of this state to continue to provide any services within its respective police jurisdiction; to provide that this act shall not prohibit any city or town from providing services in its police jurisdiction or elsewhere as otherwise authorized to do by state law; to provide that nothing in this act shall prohibit a municipality which has terminated services in its police jurisdiction or any instrumentality thereof from exercising code enforcement powers in the police jurisdiction for a fee, provided that the fee shall be related to the actual cost of providing the code enforcement services; to provide that nothing in this act shall prohibit a municipality which has terminated services in its police jurisdiction or an instrumentality thereof from providing or continuing to provide

solid waste or utility services outside the corporate limits of the municipality for a fee; to provide that nothing in this act shall prohibit a municipal planning commission from exercising its full planning jurisdiction as established by law; and to validate ordinances previously adopted and implemented to terminate services within the police jurisdiction and the levy and collection of license taxes, sales taxes, and use taxes within the police jurisdiction.

Representative Spratt, Chairperson of the Standing Committee on Highway Safety, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 900. To provide that on roads, streets, or highways with two or more lanes allowing for movement in the same direction, it is unlawful for any truck tractor with or without a trailer to operate in any lane other than the most right-hand lane, except when the truck tractor is preparing for a left turn or passing a vehicle; and to prescribe criminal penalties.

Representative Ford, Chairperson of the Standing Committee on Tourism, Entertainment and Sports, reported that said Committee in session had acted on the following bill and ordered same Returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 885. To allow the transportation of certain machines which, based on the skill of the player, provide a reward not to exceed a certain number of free replays, a certain dollar amount for the prizes given, and provide certain items as prizes; and provide for penalties.

Representative White, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 163. Proposing an amendment to the Constitution of Alabama of 1901, to provide that certain elected public officials in Coosa County may participate in the Employees' Retirement System in lieu of participating in a supernumerary program or system.

The above bill was read a second time at length as required by the Constitution.

H. 734. Relating to Colbert County and its municipalities; to amend and reenact Act No. 86-231, S. 515 of the 1986 Regular Session (Acts 1986, p. 341), forming a Shoals Industrial Development authority for promoting industry and trade and the development of the counties and cities; for the purpose of forming a Shoals Economic Development Authority for promoting the economic development of the counties and cities.

H. 789. Relating to Elmore County; amending Sections 1 and 2 of Act No. 82-666, H. 69 of the 1982 First Special Session (Acts 1982, p. 85), relating to the fee for a pistol permit and providing for the disposition of the proceeds from the fees, to increase the fee.

H. 859. Relating to Baldwin County; creating and establishing a personnel merit system; providing for personnel rules, principles, and organization; establishing a personnel department; establishing an appeals board and its membership; providing for classes of employment; and providing that county employees on the effective date of this act under certain conditions shall be classified employees.

H. 864. Relating to Cleburne County; authorizing the county commission to levy an additional annual issuance fee upon motor vehicles in the county and providing for the disposition of the fee.

H. 865. Relating to Cleburne County; amending Section 1 of Act No. 90-643, H. 821 of the 1990 Regular Session (Acts 1990, p. 1198), relating to recording fees on each real property instrument and each personal property instrument filed for record in the Office of the Judge of Probate, so as to further provide for the fees and the instruments.

H. 879. Relating to Bullock County; providing for the assessment and collection of additional court costs in the municipal, district, circuit and probate courts of the county; certain other fees of the judge of probate; and providing that the fees collected in the district and circuit courts be used for the benefit of the sheriff's department.

H. 880. Relating to Bullock County; amending Act No. 79-589, H. 1047, 1979 Regular Session (Acts 1979, p. 1048), to provide further for the expense allowance of the coroner.

H. 881. Proposing an amendment to the Constitution of Alabama of 1901; relating to legalizing certain operations of bingo games for prizes or money for charitable or educational purposes in Morgan County and the cities and towns of the county.

The above bill was read a second time at length as required by the Constitution.

H. 882. To provide for the implementation of a constitutional amendment authorizing the county governing body or the governing bodies of the cities and towns to regulate the operation of bingo in Morgan County, Alabama, and to provide for penalties.

H. 890. Relating to Lamar County; fixing the fee for the issuance of pistol permits in Lamar County and providing for the deposit of such fees in a fund known as the Sheriff's Pistol Permit Fund and providing for the use of the fund and an effective date.

H. 892. To alter, rearrange, and extend the boundary lines of the Town of Pine Hill in Wilcox County.

Representative White, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 908. (With Amendment): Relating to the City of Anniston in Calhoun County; to provide for the restructuring of the Water Works and Sewer Board of the City of Anniston; and to increase the membership.

Representatives Petelos and Minnifield, Co-Chairpersons of the Standing Committee on Local Legislation No. 2, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 705. Relating to the City of Birmingham in Jefferson County, to further amend Act No. 929, 1951 Regular Session and as extensively amended by Act No. 1272, 1973 Regular Session which created a Retirement and Relief System for officers and employees of Class 1 Municipalities, so as to provide further for a member appointed by the city council and a retired member elected by the retired members in the system to serve as members of the board of managers of the City of Birmingham Retirement and Relief System; to provide further for a quorum of the board; to provide additional compensation for members of the board; and to provide further for the filing of reports and records which shall be public records subject to inspection.

H. 740. Relating to the City of Fairfield in Jefferson County, Alabama; to validate actions of the city governing body relative to the establishment of the Fairfield Civic Center.

H. 860. Relating to Jefferson County; on and after the effective date of this act, each of the County Commissioners, the Jefferson County Tax Assessor; the Jefferson County Tax Collector; the Jefferson County Assistant Tax Assessor - Bessemer Division; and the Jefferson County Assistant Tax Collector - Bessemer Division, shall be entitled to have either an automobile with fuel, oil, and repairs furnished by Jefferson County for use in carrying out his official duties, or a certain automobile expense allowance as reimbursement for the Official's use of a personal vehicle and fuel, oil and repairs for such official duties; to repeal Act No. 89-635.

Representative Hall (A), Chairperson of the Standing Committee on Local Legislation No. 4, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 812. (With Amendment): To alter and rearrange the boundary lines and corporate limits of the City of Huntsville in Madison County and Limestone County to remove certain property from the corporate limits of the municipality.

Representative Hall (A), Chairperson of the Standing Committee on Local Legislation No. 4, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 766. To alter and rearrange the boundary lines and corporate limits of the City of Huntsville in Madison County to remove certain property from the corporate limits of the city.

Representative Holmes, Chairperson of the Standing Committee on Local Legislation No. 5, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 915. Relating to Montgomery County, requiring all beer of a specific brand, prior to distribution to retail licensees in the county, to be stored in a warehouse in the county and be available for inspection by the Alcoholic Beverage Control Board; and providing certain civil remedies.

Representative White, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 304. (With Substitute): Relating to Barbour County and the office of the judge of probate; to provide a special recording or issuance fee in addition to all existing fees and charges for documents filed for record and each motor vehicle certificate of title issued in the county; and to provide for the use of the fees for the payment of general office expenses by the judge of probate.

Representative White, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 888. To alter and rearrange the boundary lines and corporate limits of the municipality of Argo in St. Clair County to remove certain property from the corporate limits of the municipality.

H. 889. To alter and rearrange the boundary lines and corporate limits of the municipality of Argo in St. Clair County to remove certain property from the corporate limits of the municipality.

Representative White, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 912. (With Amendment): Relating to Pickens County; to provide for a rehabilitation board to supervise and administer the rehabilitation processes of this act; to provide further for the carrying out of the provisions of this act; to provide misdemeanor penalties; and to repeal all laws or parts of laws which conflict with this act.

Representative Newton (D), Chairperson of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 513. To amend Section 32-5B-5 of the Code of Alabama 1975, relating to the penalty for violating the seat belt law; to provide that court costs will not be assessed.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time and referred to appropriate standing committees as follows:

By Representative Laird (With Notice and Proof):

H. 916. Relating to Randolph County; authorizing the sheriff to operate a jail store for prisoners in county custody; providing for the deposit, distribution, and auditing of monies earned; and confirming and ratifying certain prior actions.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 916, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Dukes (With Notice and Proof):

H. 917. Relating to the City of Decatur in Morgan and Limestone Counties; amending Sections 5 and 7 of Act No. 89, H. 234 of the 1939 Regular Session (Local Acts 1939, p. 47), as amended, relating to the Municipal Utilities Board of Decatur, to provide further for the organization, membership, terms of office, administration, and general operations of the board and the compensation of the members of the board.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 917, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Graham (With Notice and Proof):

H. 918. Relating to Tallapoosa County; relating to the compensation and expense allowance for the Sheriff of Tallapoosa County; to further provide for an additional expense allowance and expiration date therefor and the sheriff's compensation in the next term of office.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 918, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Reed (With Notice and Proof):

H. 919. Relating to Macon County; providing for the issuance of pistol permits by the sheriff and providing for the distribution and use of the fees; and repealing Act No. 814, H. 1046 of the 1969 Regular Session (Acts 1969, p. 1465), relating to the fee and distribution and use of the fees.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 919, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Reed (With Notice and Proof):

H. 920. Relating to Macon County; providing for additional costs and charges in all circuit and district court cases, excluding the small claims division; providing for the establishment of a Juvenile Court Services Fund and a Judicial Administration Fund in the county; and providing for the distribution of the funds.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 920, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Johnson (R):

H. 921. To amend Section 12-17-220 of the Code of Alabama 1975, relating to powers of district attorneys; to provide that the Legislature may be local law provide for the disciplining of persons employed by the district attorneys of this state.

COMMITTEE ON STATE ADMINISTRATION

By Representatives Petelos and Black (M):

H. 922. Relating to crime victims' rights; to establish and implement certain rights of victims of crime; and to establish certain procedures for enforcing those rights throughout the criminal justice process.

COMMITTEE ON JUDICIARY

By Representative Lindsey (With Notice and Proof):

H. 923. Relating to Cherokee County; relating to the compensation and expense allowance for the Sheriff of Cherokee County; to further provide for an additional expense allowance and expiration date therefor and the sheriff's compensation in the next term of office.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 923, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Gaines (With Notice and Proof):

H. 924. Relating the District Attorney's Office, Tenth Judicial Circuit, Jefferson County Birmingham Division; to provide for the appointment, duties, and compensation of deputy district attorneys; and to repeal the following acts: Act No. 523, H. 121, 1975 Regular Session (Acts 1975, p. 1174); Act No. 720, H. 1038, 1987 Regular Session (Acts 1987, p. 1410); Act No. 90-542, H. 637, 1990 Regular Session (Acts 1990, p. 842); and Act No. 93-567, H. 372, 1993 Regular Session (Acts 1993, p. 946); all relating to the office and compensation of the deputy district attorneys in the Tenth Judicial Circuit are specifically repealed.

COMMITTEE ON LOCAL LEGISLATION NO. 2

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 924, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Clouse:

H. 925. To amend Section 22-21-318, Code of Alabama 1975, to provide for the lease by a health authority of its assets.

COMMITTEE ON HEALTH

By Representative Rogers (M) (With Notice and Proof):

H. 926. Relating to the Civil Service Board of the City of Anniston in Calhoun County; to amend Sections 6, 12, and 16 of Act No. 592, S. 456 of the 1953 Regular Session (Acts 1953, p. 838), as amended, to provide for the expense allowance of the members of the board; to increase the number of persons to be considered from the eligible register of the board; and to provide for the total compensation to be paid to members of the board.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 926, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives McKee, Black (M), Gipson, Lindsey, Payne, and Box:

H. 927. To provide that a person who devises a scheme to defraud another person and communicates in any way in furtherance of this scheme is guilty of fraud; to provide that the person would be guilty of a Class A misdemeanor, a Class C felony, or a Class B felony depending upon the value of the property, money, or thing; to provide that reliance is not a necessary element of the offense; and to provide a penalty.

COMMITTEE ON JUDICIARY

By Representative Thomas (D):

H. 928. To amend Sections 40-14-22 and 40-14-40 of the Code of Alabama 1975, relating to domestic corporations; to exempt dormant domestic corporations from filing a domestic corporation permit fee and the annual franchise tax; and to provide for retroactive effect.

COMMITTEE ON WAYS AND MEANS

By Representative Thomas (D):

H. 929. To amend Sections 40-14-22 and 40-14-40 of the Code of Alabama 1975, relating to domestic corporations; to exempt dormant domestic corporations

from filing a domestic corporation permit fee and the annual franchise tax.

COMMITTEE ON WAYS AND MEANS

By Representative Turner:

H. 930. To propose an amendment to the Constitution of Alabama of 1901 that annuls Section 65 thereof and substitutes in lieu of the section so annulled provisions to authorize the Legislature by law to prohibit or to allow and control lotteries to such extent and under such conditions as it determines to be in the best interests of the people of the state; to provide that certain provisions of the Constitution shall not restrict the power of the Legislature to enact laws to prohibit, authorize, license, or regulate lotteries or to appropriate lottery profits and proceeds of gambling taxes to charitable or not-for-profit institutions and organizations that are not under the control of the state or other governmental entities; to establish a state development fund consisting of an education account and a health and general services account; to provide for the administration of the development fund; to provide that lottery profits received by the state shall be paid into the development fund and divided equally between the education account and the health and general services account; to specify the purposes for which moneys deposited to the credit of either the education account or the health and general services account may be appropriated by law; and to provide that any lottery or other form of gambling that is illegal when this constitutional amendment is adopted shall not thereafter be permitted by law unless supervised and regulated by a state agency.

COMMITTEE ON TOURISM, ENTERTAINMENT
AND SPORTS

The above bill was read a first time at length as required by the Constitution.

By Representative Venable (With Notice and Proof):

H. 931. Relating to Coosa County; relating to the compensation and expense allowance for the Sheriff of Coosa County; to further provide for an additional expense allowance and expiration date therefor and the sheriff's compensation in the next term of office.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 931, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Carter:

H. 932. To provide that full-time executive officers and employees of the Tennessee Valley Rehabilitation Center, Inc., may elect to become members of the Teachers' Retirement System; to provide that the center and employees of the center shall assume all administrative and contributory costs of membership and that no cost shall devolve upon the state and to provide for purchase of previous service credit in the system.

COMMITTEE ON WAYS AND MEANS

By Representative Morrison:

H. 933. To allow an active member of the Employees' Retirement System to purchase up to two years credit in the system under certain conditions if the member agrees to leave his or her employment at the time of the purchase and defer receipt of retirement benefits until the member would have been eligible to retire without having purchased additional service credit under this act.

COMMITTEE ON WAYS AND MEANS

By Representative Newton (D):

H. 934. Relating to parents and children; to provide that parents who report criminal activity of a minor child are not criminally liable for the criminal action of the minor; to provide that parents are not liable for that portion of a civil judgment which represents the award of treble damages for property loss caused by a criminal act; and to provide that parents of a minor child are liable in a civil action for any willful act committed by the minor.

COMMITTEE ON JUDICIARY

By Representatives Hinshaw, Hall (A), Allen, Papucci, Millican, and Parker (T):

H. 935. To provide for the Alabama Bill of Rights Act for persons with developmental disabilities and traumatic brain injury.

COMMITTEE ON HEALTH

By Representatives Hilliard, Spratt, Johnson (E), Houston, Rogers (J), and Newton (D):

H. 936. To authorize the mayor of any Class 1, 2, or 3 municipality, subject to budget restraints approved by the governing body, to make cash or non-cash awards to employees of the municipality in recognition of exemplary performance or for innovations that significantly reduce costs or result in outstanding improvements in services to the public.

COMMITTEE ON LOCAL GOVERNMENT

By Representative Morrison:

H. 937. To amend Section 22-21-316 of the Code of Alabama 1975, relating to health care facilities and authorities; to provide further for the election of board members; to provide an audit of the books and records of the authorities by the Examiners of Public Accounts; to repeal Section 22-21-319 of the Code of Alabama 1975, giving the health care authorities the power of eminent domain; to repeal Section 22-21-334 of the Code of Alabama 1975, exempting the members of a health care authority board or any of its officers or employees from the Ethics Act; to provide for open meetings of the board; to repeal Section 22-21-335 of the Code of Alabama 1975; exempting the authorities from the Competitive Bid Laws; and to repeal Section 22-21-352 of the Code of Alabama 1975, relating to further provisions of amending certificates of incorporation or reincorporation.

COMMITTEE ON STATE ADMINISTRATION

By Representative Hooper (With Notice and Proof):

H. 938. Relating to Montgomery County; to amend Section 11 of Act No. 591, H. 972 of the 1965 Regular Session (Acts 1965, p. 1104), providing for the installation and maintenance of an improved system of indexing and recording documents affecting the title to real property and other documents in the office of the judge of probate in the county, and to further provide for the recording fee.

COMMITTEE ON LOCAL LEGISLATION NO. 5

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 938, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Hooper:

H. 939. To provide for the possession, use, manufacture, and sale of chlorofluorocarbons.

COMMITTEE ON COMMERCE,
TRANSPORTATION AND UTILITIES

By Representative Smith:

H. 940. Relating to the eradication and control of swine diseases; to make a conditional appropriation to the Department of Agriculture and Industries for the fiscal year ending September 30, 1996, to indemnify owners of swine for the value of any swine ordered condemned and destroyed for the prevention and eradication of the disease of hog cholera, African swine fever and other swine diseases.

COMMITTEE ON WAYS AND MEANS

By Representative Venable (With Notice and Proof):

H. 941. Relating to Coosa County; providing further for the procedure for selling and redeeming lands for taxes.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 941, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives Clark (J) and Baker (With Notice and Proof):

H. 942. Relating to Henry County and the county law library fund in Henry County; and to provide that a portion of the county law library fund be used for the upkeep of the courtrooms in the county.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 942, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives Clark (J) and Baker (With Notice and Proof):

H. 943. Relating to Henry County; to amend Act No. 83-558, H. 772 of the 1983 Regular Session (Acts 1983, p. 856), providing for the pistol permit fee of the sheriff and for the distribution of the fees.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 943, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Johnson (R):

H. 944. To amend Section 20-2-58 of the Code of Alabama 1975, relating to the dispensing of a controlled substance in Schedule II, to further provide for the dispensing of prescriptions transmitted by facsimile under certain conditions.

COMMITTEE ON HEALTH

By Representatives Guin, Hogan, Allen, Murphree, Millican, and Collins:

H. 945. Relating to an income tax credit for corporations, partnerships, individuals, and other eligible taxpayers as defined herein, to offset the costs of emission allowances obtained to enable Alabama coals to be utilized in compliance with the sulfur dioxide emission limitations imposed on electric utilities by Title IV of the Clean Air Act Amendments of 1990.

COMMITTEE ON WAYS AND MEANS

RESOLUTIONS

The following resolution was introduced and distributed according to Joint Rule 11:

By Representatives Page, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (J), Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren:

H.R. 319. WELCOMING THE 39TH BI-ANNUAL CONVENTION OF THE CENTRAL DISTRICT NATIONAL STORY LEAGUE.

Also:

The following resolutions were introduced:

By Representatives Hall (A), Robinson, Allen, Black (M), Morrow, Carter, Lindsey, Burke, Drake, Flowers, Seibenhener, Baker, Carothers, Hinshaw and Morrison:

H.J.R. 320. REQUESTING THE HELP OF THE DEPARTMENT OF TRANSPORTATION IN CONTROLLING CANADIAN THISTLE, MUSK THISTLE, AND TROPICAL SODA APPLE WEEDS.

The resolution, H.J.R. 320, was read and referred to the Standing Committee on Rules.

Also:

By Representatives Hall (A), Robinson, Allen, Black (M), Morrow, Carter, Lindsey, Burke, Drake, Flowers, Seibenhener, Baker, Carothers, Hinshaw and Morrison:

H.R. 321. REQUESTING THE HELP OF THE DEPARTMENT OF TRANSPORTATION IN CONTROLLING CANADIAN THISTLE, MUSK THISTLE, AND TROPICAL SODA APPLE WEEDS.

The resolution, H.R. 321, was read and referred to the Standing Committee on Rules.

MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Turnham, the rules were suspended in order to permit the Standing Committee on Local Legislation No. 8 to meet while the House is in Session.

BILLS ON THIRD READING

BUDGET ISOLATION RESOLUTION TEMPORARILY CARRIED OVER

In accordance with House Rule 21, the Budget Isolation Resolution and the bill, H. 771, were temporarily carried over at the request of Representative Thomas (J).

BUDGET ISOLATION RESOLUTION TEMPORARILY CARRIED OVER

In accordance with House Rule 21, the Budget Isolation Resolution and the bill, S. 404, were temporarily carried over at the request of Representative Smith.

RESOLUTION

The following resolution was introduced:

By Rules Committee:

H.R. 322. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES; That immediately upon the adoption of this resolution, the following business, in the order set forth below, shall be the special and paramount order of business for the twenty-third legislative day, Thursday, June 29, 1995, taking precedence over the regular order of business or any pending or unfinished business:

Uncontested Local Bills

And the Following Bills:

Inst Id	Page
H. 855 - By Carothers (As Amended)	111
Tobacco tax stamps, discounts for wholesalers, elim., Sec. 40-25-5 repealed	
H. 383 - By Fuller (As Substituted)	111
Child Advocacy Centers, Inc., approp.	
H. 585 - By Fuller	112
Alabama Travel Council, approp.	
H. 824 - By McDaniel (As Amended)	119
Toll Road Authority, extensively revised, powers of Transportation Dept., bond issue and supplemental gas tax pledged, Secs. 23-2-141 to 23-2-152 incl., 23-2-155, 23-2-156, 23-2-160, 23-2-161 am'd.	
H. 874 - By Fuller	112
Tri-Rivers Waterway Development Authority, approp.	
H. 875 - By Fuller	112
Sentencing Institute, approp.	
H. 876 - By Fuller	113
Warrior-Tombigbee Waterway Development Association, approp.	
H. 877 - By Fuller	113
Coosa-Alabama River Improvement Association, approp.	
H. 600 - By Haney (As Amended)	75
Attorney General, office of, personnel and fiscal operations, further provided for, numerous code sections amended and repealed	

H. 350 - By McDaniel 6

Health insurance, retired education employees, incr. in contributions, Sec. 16-25A-17 am'd.

H. 611 - By Melton (As Amended and Substituted) 90

Alabama Mental Health Consumers' Rights Act, estab.

H. 210 - By Hill 10

Checks, bad check charge incr., Sec. 8-8-15, 12-17-224, 13A-9-13.1, 13A-9-13.2 am'd.

H. 532 - By McMillan (As Amended) 62

Massage Therapy, bd. estab., licenses regulated, penalties provided

On motion of Representative Carter, the resolution, H.R. 322, was adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H.J.R. 274. RELATIVE TO MEETING DAYS.

McDOWELL LEE
Secretary

SPECIAL ORDER CALENDAR

The House then proceeded with the consideration of the Special Order Calendar.

H. 855 TAKEN UP

And the bill:

H. 855. (With Amendment): To prohibit the sale of cigarettes at below cost with intent to injure competitors or destroy or substantially lessen competition among cigarette sellers; to provide penalties for violations; to repeal Section 40-25-5, Code of Alabama 1975; to distribute the revenue generated by the repeal of the discount; and to provide for enforcement by the Commissioner of the Alabama Department of Revenue.

as amended, and the pending motion offered by Representative Thomas (D) to indefinitely postpone on the twenty-second legislative day were again taken up.

The question was then on the motion offered by Representative Thomas (D) to indefinitely postpone the bill, H. 855, as amended.

MOTION IN WRITING OFFERED

Representative Carothers offered the following Motion in Writing relating to the bill, H. 855, as amended:

I move the previous question.

MOTION IN WRITING LOST

And the Motion in Writing was lost, lacking a three-fifths vote.

Yeas 44; Nays 33.

Yea:

Mr. Speaker, Allen, Baker, Burke, Carothers, Carter, Clark (W), Clouse, Collins, Drake, Dukes, Flowers, Ford, Fuller, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Hawk, Hinshaw, Hogan, Jackson, Johnson (E), Johnson (R), Lindsey, Maull, Morrison, Morrow, Murphree, Newton (C), Page, Parker (T), Penry, Seibenhener, Smith, Starkey, Turner, Vance, Warren and Willis.

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Nay:

Representatives Bandy, Black (M), Box, Boyd, Buskey, Carns, Crigler, Curry, Dolbare, Gaines, Hall (L), Haney, Hawkins, Houston, Jorgensen, Knight (A), McDaniel, McKee, Minnifield, Mitchell, Moore, Morton, Papucci, Payne, Petelos, Rogers (M), Sanderford, Sanderson, Sims, Thomas (D), Townsend, White and Wren.

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RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Representatives Black (L) and Hayden:

H.R. 323. EXPRESSING APPRECIATION TO MRS. IZETTA MCCASKILL OF GREENSBORO, ALABAMA.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H.J.R. 316. HONORING THE WINSTON AND BETHLONIA JOHNSON FAMILY ON THE OCCASION OF THEIR FIRST FAMILY REUNION.

McDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H.J.R. 299. MOURNING THE DEATH OF LUCILLE WHITE FREEMAN OF BROWNSVILLE, ALABAMA.

Also:

H.J.R. 303. AMENDING ACT 95-100, HJR 55 OF THE 1995 REGULAR SESSION ENTITLED "DESIGNATING HIGHWAY 278 IN WINSTON COUNTY AS 'LOONEY'S TAVERN PARKWAY'."

McDOWELL LEE
Secretary

H. 855 TEMPORARILY CARRIED OVER

In accordance with House Rule 21, the bill, H. 855, as amended, and the pending motion offered by Representative Thomas (D) to indefinitely postpone were temporarily carried over at the request of Representative Carothers.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H.J.R. 305. COMMENDING RAY L. AND ROY HAYES OF CHEROKEE, ALABAMA.

Also:

H.J.R. 313. MOURNING THE DEATH OF JOHN DARRYL MURPHY OF GREENVILLE, ALABAMA.

Also:

H.J.R. 314. MOURNING THE DEATH OF MR. GEORGE ALVIN DICKINSON, JR., OF MOBILE, ALABAMA.

Also:

H.J.R. 315. MOURNING THE DEATH OF MRS. JESSIE MAE BOYKINS OF BIRMINGHAM, ALABAMA.

McDOWELL LEE
Secretary

SPECIAL ORDER CALENDAR RESUMED**BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Fuller, the Budget Isolation Resolution relating to the bill, H. 383, was adopted.

Yeas 90; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Buskey, Carns, Carothers, Carter, Clark (W), Collins, Crigler, Curry, Dean, Dolbare, Dukes, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Minnifield, Mitchell, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (T), Payne, Penry, Pringle, Reed,

Robinson, Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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And the bill:

H. 383. (With Substitute): To make an appropriation from the State General Fund in the amount of \$816,000 to the Child Advocacy Centers for the fiscal year ending September 30, 1996, and to require operations plans and audited financial statements prior to release of any funds.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To make an appropriation from the State General Fund in the amount of \$842,911 to the Child Advocacy Centers for the fiscal year ending September 30, 1996, and to require operations plans and audited financial statements prior to release of any funds.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. For the fiscal year ending September 30, 1996, there is hereby appropriated to the Child Advocacy Centers from the State General Fund the sum of \$842,911. Said appropriation is to be used for the support and maintenance of said centers as follows:

1.	Prescott House-Birmingham.....	49,583
2.	National Children's Advocacy Center, Inc.-Huntsville.....	49,583
3.	The Child Advocacy Center, Inc.-Mobile.....	49,583
4.	Montgomery Child Protection and Advocacy Center, Inc.....	49,583
5.	Tuscaloosa Children's Center, Inc.....	49,583
6.	Bessemer Cut-off Advocacy Center, Inc.....	49,583

7.	Blount County Children's Center, Inc.....	49,583
8.	Gadsden-Etowah County Children's Advocacy Center, Inc.....	49,583
9.	CARE House-Baldwin County.....	49,583
10.	Calhoun-Cleburne Children's Center, Inc.....	49,583
11.	Northwest Alabama Children's Center.....	49,583
12.	Alabama Network of Child Advocacy.....	49,583
13.	DeKalb County Child Advocacy Center.....	49,583
14.	St. Clair County Child Advocacy Center.....	49,583
15.	Shelby County Advocacy Center, Inc.....	49,583
16.	Candace Reynolds Child Advocacy Center.....	49,583
17.	Child Advocacy Center of East Alabama, Inc.....	49,583

Section 2. Prior to release of any funds appropriated under this bill for the fiscal year ending September 30, 1996, operations plans for fiscal year 1995-96 and audited financial statements for all operations during fiscal year 1993-94 must be forwarded to the Director of Finance. It is the intent to release fiscal year 1995-96 funds following receipt of these reports.

Section 3. This act shall become effective October 1, 1995.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 85; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Collins, Crigler, Dean, Dolbare, Dukes, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Lindsey, Maull, McAdory, McDaniel, McKee, McMillan, Melton, Minnifield, Mitchell, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (T), Payne, Penry, Pringle, Reed, Robinson, Rogers (J),

Rogers (M), Sanderford, Sanderson, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Wren.

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And the bill:

H. 383. To make an appropriation from the State General Fund in the amount of \$842,911 to the Child Advocacy Centers for the fiscal year ending September 30, 1996, and to require operations plans and audited financial statements prior to release of any funds.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 93; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (T), Payne, Penry, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Fuller, the Budget Isolation Resolution relating to the bill, H. 585, was adopted.

Yeas 84; Nays 1.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Box, Boyd, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J),

Layson, Letson, Lindsey, McAdory, McDaniel, McMillan, Melton, Millican, Moore, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (T), Payne, Penry, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Willis.

-84

Nay:

Representative Holmes.

- 1

MESSAGE FROM THE SENATE

Mr. Speaker:

The Presiding Officer of the Senate having signed the following Senate Joint Resolutions, your signature thereto is requested:

S.J.R. 110. COMMENDING JANE HOLLEY BURNETT OF VERNON, ALABAMA, ON THE OCCASION OF HER RETIREMENT.

Also:

S.J.R. 111. DESIGNATING H. 195 OF THE 1995 REGULAR SESSION THE "KEN GUIN ALABAMA COAL PRODUCTION ACT."

McDOWELL LEE
Secretary

SIGNING OF SENATE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolutions, the titles of which are set out in the foregoing Message from the Senate.

RESOLUTION

The following resolution was introduced:

By Representatives McMillan, Crigler and Penry:

H.J.R. 324. CREATING ALABAMA COASTAL AREA EROSION TASK FORCE.

The resolution, H.J.R. 324, was read and referred to the Standing Committee on Rules.

H. 585 TAKEN UP

And the bill:

H. 585. To make an appropriation from the State General Fund to the Alabama Travel Council for the fiscal year ending September 30, 1996, and to require an operations plan and an audited financial statement prior to release of any funds.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 88; Nays 1.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Boyd, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Layson, Lindsey, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Moore, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (T), Payne, Penry, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Willis.

-88

Nay:

Representative Holmes.

- 1

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative McDaniel, the Budget Isolation Resolution relating to the bill, H. 824, was adopted.

Yeas 78; Nays 7.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Carothers, Carter, Clark (W), Clouse, Collins, Dean, Dolbare, Flowers, Ford, Fuller, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Newton (C), Newton (D), Page, Papucci, Parker (T), Penry, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderson, Sims, Smith, Spratt, Thomas (D), Turner, Turnham, Vance, Venable, Warren, White and Willis.

-78

Nay:

Representatives Carns, Crigler, Curry, Gaines, Payne, Petelos and Townsend.

- 7

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 383. To make an appropriation from the State General Fund in the amount of \$842,911 to the Child Advocacy Centers for the fiscal year ending September 30, 1996, and to require operations plans and audited financial statements prior to release of any funds.

TOMMY CARTER
Chairman

And the bill, H. 383, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H.J.R. 274. RELATIVE TO MEETING DAYS.

Also:

H.J.R. 299. MOURNING THE DEATH OF LUCILLE WHITE FREEMAN OF BROWNSVILLE, ALABAMA.

Also:

H.J.R. 303. AMENDING ACT 95-100, HJR 55 OF THE 1995 REGULAR SESSION ENTITLED "DESIGNATING HIGHWAY 278 IN WINSTON COUNTY AS 'LOONEY'S TAVERN PARKWAY'."

Also:

H.J.R. 316. HONORING THE WINSTON AND BETHLONIA JOHNSON FAMILY ON THE OCCASION OF THEIR FIRST FAMILY REUNION.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the foregoing Report of the Standing Committee on Rules.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H.J.R. 305. COMMENDING RAY L. AND ROY HAYES OF CHEROKEE, ALABAMA.

Also:

H.J.R. 313. MOURNING THE DEATH OF JOHN DARRYL MURPHY OF GREENVILLE, ALABAMA.

Also:

H.J.R. 314. MOURNING THE DEATH OF MR. GEORGE ALVIN DICKINSON, JR., OF MOBILE, ALABAMA.

Also:

H.J.R. 315. MOURNING THE DEATH OF MRS. JESSIE MAE BOYKINS OF BIRMINGHAM, ALABAMA.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the foregoing Report of the Standing Committee on Rules.

H. 824 TAKEN UP

And the bill:

H. 824. (With Amendment): To amend Sections 23-2-141, 23-2-142, 23-2-143, 23-2-144, 23-2-145, 23-2-146, 23-2-147, 23-2-148, 23-2-149, 23-2-150, 23-2-151, 23-2-152, 23-2-155, 23-2-156, 23-2-160, and 23-2-161, Code of Alabama 1975, which sections relate to the construction, operation, and maintenance of toll road, bridge, and tunnel projects by the Alabama Toll Road, Bridge, and Tunnel Authority; to further provide for the creation of the authority as a public corporation; to further provide that the bonds issued by the authority may be payable from the state's share of the supplemental excise tax on gasoline that is distributed to the state pursuant to the provisions of Section 40-17-74.1, Code of Alabama 1975; to provide that all contracts for the construction of projects undertaken by the authority shall be let by competitive bid; to provide that the

Department of Transportation shall have certain powers to act on behalf of the authority; to further provide with respect to bonds and contracts of the authority and to empower the authority to make and enforce all reasonable rules and regulations; to provide that all bonds and other obligations of the authority shall be exempt from all laws respecting usury and to provide that no public hearing or consent by any department or agency of the state shall be prerequisite to the issuance of bonds by the authority; to appropriate to the authority all tolls collected by the authority and to authorize the authority to pledge that appropriation and the share of the state's supplemental excise tax on gasoline as security for the payment of the bonds issued by the authority; to provide that neither the activities of the authority nor the levy, setting, or collection of tolls shall be subject to supervision by the Public Service Commission or any other commission or agency of the state; and to create a special enterprise fund in the State Treasury into which all tolls and other revenues of the authority shall be deposited and to provide further with respect to the fund.

was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

Amend House Bill 824 on page 27, line 17 by striking the period (.) and by inserting in lieu thereof the following: "; provided, however, that no refunding bonds shall be issued unless the present value of all debt service on the refunding bonds (computed with a discount rate equal to the true interest rate of the refunding bonds and taking into account all underwriting discount and other issuance expenses) shall not be greater than 95% of the present value of all debt service on the bonds to be refunded (computed using the same discount rate and taking into account the underwriting discount and other issuance expenses originally applicable to such bonds) determined as if such bonds to be refunded were paid and retired in accordance with the schedule of maturities (considering mandatory redemption as a scheduled maturity) provided at the time of their issuance. Provided further that the average maturity of the refunding bonds, as measured from the date of issuance of such refunding bonds, shall not exceed by more than three years the average maturity of the bonds to be refunded, as also measured from such date of issuance, with the average maturity of any principal amount of bonds to be determined by multiplying the principal of each maturity by the number of years (including any fractional part of a year) intervening between such date of issuance and each such maturity, taking the sum of all such products, and then dividing such sum by the aggregate principal amount of bonds for which the average maturity is to be determined."

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 85; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Gaston, Gipson, Graham, Guin, Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (R), Knight (A), Knight (J), Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (T), Payne, Penry, Petelos, Pringle, Reed, Rogers (J), Rogers (M), Sanderford, Seibenhener, Sims, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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AMENDMENT OFFERED

Representative McDaniel offered the following amendment to the bill, H. 824, as amended:

Amend House Bill No. 824 on page 8, line 20, after "Governor," add the following: the Speaker of the House of Representatives,

To further amend House Bill No. 824 on page 9, line 5, after "Governor," add the following: the Speaker of the House of Representatives,

To further amend House Bill No. 824 on page 10, line 17 after "Secretary." by deleting the strike through on "Four" and deleting "Three".

To further amend House Bill No. 824 on page 10, line 18, after "of" by deleting the strike through on "four" and deleting "three".

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 81; Nays 1.

Yea:

Representatives Allen, Baker, Bandy, Black (L), Black (M), Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Flowers, Ford, Fuller, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw,

Hogan, Hooper, Houston, Jackson, Johnson (R), Knight (A), Knight (J), Layson, Letson, Lindsey, Maul, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Townsend, Turner, Turnham, Vance, Warren, White and Willis.

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Nay:

Mr. Speaker.

- 1

RESOLUTIONS

The following resolutions were introduced and distributed according to Joint Rule 11:

By Representative Hall (L):

H.R. 325. COMMENDING QUEEN OF ROCK "N" SOUL, PATTI LABELLE.

Also:

By Representative Hall (L):

H.R. 326. COMMENDING CLARENCE JONES OF HUNTSVILLE, ALABAMA.

Also:

By Representative Hall (L):

H.R. 327. COMMENDING THE HUNTSVILLE CHAPTER OF CONTINENTAL SOCIETIES, INC.

H. 824 RESUMED

AMENDMENT OFFERED

Representative Payne offered the following amendment to the bill, H. 824, as amended:

To amend H. 824 on page 37, after line 14 by adding a new Section 17 as follows and renumbering accordingly:

"Section 17. The Authority created in Section 23-2-142 shall not issue any bonds until the Authority has notified the legislators whose district will be affected by the project using these bonds. In addition, the Authority shall hold two public hearings within each district affected by the Authority's projects before the issuance of the bonds. "These public hearings are not intended to be duplicative but this requirement for public hearings may be satisfied by any federal requirements for a public hearing."

AMENDMENT TABLED

On motion of Representative McDaniel, the amendment offered by Representative Payne to the bill, H. 824, as amended, was tabled.

Yeas 63; Nays 16.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Box, Burke, Carothers, Carter, Clark (W), Collins, Curry, Dean, Drake, Dukes, Flowers, Fuller, Galliher, Gaston, Gipson, Graham, Guin, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Jackson, Johnson (R), Knight (J), Laird, Layson, Letson, Lindsey, McClammy, McDaniel, Melton, Minnifield, Moore, Morrow, Murphree, Newton (D), Papucci, Parker (T), Penry, Pringle, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Spratt, Starkey, Thomas (J), Turner, Turnham, Vance, Venable, Warren, White and Willis.

-63

Nay:

Representatives Bandy, Carns, Crigler, Dolbare, Gaines, Hall (A), Hinshaw, Hogan, Holmes, Knight (A), McMillan, Millican, Morton, Payne, Thomas (D) and Townsend.

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CO-SPONSOR REMOVED

At the request of Representative Sanderford, his name was removed as co-sponsor to the bill, H. 199.

H. 824 RESUMED

And the bill:

H. 824. To amend Sections 23-2-141, 23-2-142, 23-2-143, 23-2-144, 23-2-145, 23-2-146, 23-2-147, 23-2-148, 23-2-149, 23-2-150, 23-2-151, 23-2-152,

23-2-155, 23-2-156, 23-2-160, and 23-2-161, Code of Alabama 1975, which sections relate to the construction, operation, and maintenance of toll road, bridge, and tunnel projects by the Alabama Toll Road, Bridge, and Tunnel Authority; to further provide for the creation of the authority as a public corporation; to further provide that the bonds issued by the authority may be payable from the state's share of the supplemental excise tax on gasoline that is distributed to the state pursuant to the provisions of Section 40-17-74.1, Code of Alabama 1975; to provide that all contracts for the construction of projects undertaken by the authority shall be let by competitive bid; to provide that the Department of Transportation shall have certain powers to act on behalf of the authority; to further provide with respect to bonds and contracts of the authority and to empower the authority to make and enforce all reasonable rules and regulations; to provide that all bonds and other obligations of the authority shall be exempt from all laws respecting usury and to provide that no public hearing or consent by any department or agency of the state shall be prerequisite to the issuance of bonds by the authority; to appropriate to the authority all tolls collected by the authority and to authorize the authority to pledge that appropriation and the share of the state's supplemental excise tax on gasoline as security for the payment of the bonds issued by the authority; to provide that neither the activities of the authority nor the levy, setting, or collection of tolls shall be subject to supervision by the Public Service Commission or any other commission or agency of the state; and to create a special enterprise fund in the State Treasury into which all tolls and other revenues of the authority shall be deposited and to provide further with respect to the fund.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 79; Nays 10.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Carothers, Carter, Clark (W), Clouse, Collins, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Fuller, Galliher, Gaston, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (R), Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (T), Penry, Pringle, Reed, Robinson, Sanderford, Seibenhener, Sims, Smith, Spratt, Thomas (D), Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-79

Nay:

Representatives Carns, Crigler, Gaines, Holmes, Johnson (E), McAdory, Payne, Petelos, Sanderson and Townsend.

-10

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has non-concurred in the House amendment to the Bill:

S. 424. To further provide for the management of Alabama's marine resources; to amend Section 9-12-111, Code of Alabama 1975, relating to certain lengths of certain seines and nets, so as to further regulate the possession thereof, to provide for certain lengths thereof, to further regulate widths of certain trawls, to provide for certain confiscation and forfeiture, and to provide for certain criminal liability; to amend Section 9-12-113, Code of Alabama 1975, relating to certain fishing licenses, so as to further provide for certain fees and permits, to regulate the transfer of certain net or seine permits, to provide for certain additional requirements to be permitted, to restrict the number of permits issued and require certain decals or placards, to restrict the number of nets or seines in use at any one time, to further regulate and require the presence of the permittee in certain conditions, certain possession, and certain net or seine identification, to specify to whom certain licenses or permits may be issued and further define "nonresident," to further provide for forfeiture and alternatives thereto, to further define possession of game fish, to specify certain saltwater game fish and provide for a certain tagging system, to provide penalties for violation of certain regulations, to further provide as to certain penalties and as to certain criminal liability and to provide for a point system whereby certain licenses or permits shall be revoked under certain circumstances; to prohibit selling, buying, or trading or bartering in certain saltwater game fish and specify penalties and certain criminal liability; to amend Section 9-12-115, Code of Alabama 1975, relating to the filing of certain dealer reports, so as to further provide for and require seafood dealer reporting; to provide for certain landing and reporting requirements for certain saltwater finfish and seafood products commercially harvested in Alabama, to provide for the establishment by regulation of certain reporting procedures, to provide for certain revocation procedures, and to specify penalties and certain criminal liability; to amend Section 9-12-125, Code of Alabama 1975, relating to the seafood dealer's license, so as to further provide for the requirements and fees therefor, to further regulate and provide for the licensing of certain vehicles from which seafood is bought or sold, and to further provide for penalties; and to provide for effective dates.

and requests a Committee on Conference.

And the President and Presiding Officer of the Senate has appointed as Committee on part of the Senate, Senators: Myers, Bedford, and Windom.

McDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Box, the House acceded to the request of the Senate for a Committee on Conference on the disagreement of the two Houses on the House amendment to the bill, S. 424.

Yeas 88; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Knight (A), Knight (J), Laird, Layson, Letson, McAdory, McClammy, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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COMMITTEE ON CONFERENCE APPOINTED

The Speaker appointed as a Committee on Conference on the part of the House, Representatives Box, Penry and Turner, on the disagreement of the two Houses on the House amendment to the bill, S. 424.

SPECIAL ORDER CALENDAR RESUMED

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Fuller, the Budget Isolation Resolution relating to the bill, H. 874, was adopted.

Yeas 82; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Knight (A), Knight (J), Laird,

Layson, Letson, Lindsey, McAdory, McClammy, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (T), Payne, Penry, Pringle, Reed, Robinson, Sanderford, Seibenhener, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Willis.

-82

And the bill:

H. 874. To make an appropriation of \$42,761 from the State General Fund to the Tri-Rivers Waterway Development Authority for the fiscal year ending September 30, 1996, and to require an operations plan and an audited financial statement prior to release of any funds.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 83; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, McAdory, McClammy, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (T), Payne, Penry, Pringle, Reed, Robinson, Sanderford, Seibenhener, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren and Willis.

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BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Fuller, the Budget Isolation Resolution relating to the bill, H. 875, was adopted.

Yeas 82; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare,

Dukes, Fuller, Gaines, Galliher, Gaston, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, McAdory, McClammy, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (T), Payne, Penry, Pringle, Reed, Robinson, Sanderford, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Willis.

-82

And the bill:

H. 875. To make an appropriation of \$300,000 from the State General Fund to the Sentencing Institute for the fiscal year ending September 30, 1996, and to require an operations plan and an audited financial statement prior to release of any funds.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 79; Nays 0.

Yea:

Representatives Allen, Bandy, Black (L), Black (M), Box, Carns, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Fuller, Gaines, Galliher, Gaston, Graham, Guin, Hall (A), Hamilton, Hammett, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Sanderford, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren and Willis.

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BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Fuller, the Budget Isolation Resolution relating to the bill, H. 876, was adopted.

Yeas 81; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Buskey, Carns, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Fuller, Gaines, Galliher, Gaston, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Willis.

-81

And the bill:

H. 876. To make an appropriation of \$49,933 from the State General Fund to the Warrior-Tombigbee Development Association for the fiscal year ending September 30, 1996, and to require an operations plan and an audited financial statement prior to release of any funds.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 88; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Willis.

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BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Fuller, the Budget Isolation Resolution relating to the bill, H. 877, was adopted.

Yeas 84; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Box, Buskey, Carns, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Gaines, Galliher, Gaston, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Sanderford, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Willis.

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And the bill:

H. 877. To make an appropriation from the State General Fund to the Coosa-Alabama River Improvement Association, Inc. in the sum of \$73,442 for the fiscal year ending September 30, 1996, and to require an operations plan and an audited financial statement prior to release of any funds.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 87; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Box, Buskey, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Sanderford, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Willis.

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BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Haney, the Budget Isolation Resolution relating to the bill, H. 600, was adopted.

Yeas 92; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Box, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawk, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Mauli, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Willis.

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And the bill:

H. 600. (With Amendments): Providing further for the office of the Attorney General by amending Sections 36-15-1, 36-15-4.2, 36-15-5.1, 36-15-6, 36-15-10, 36-15-10.1, 36-15-11.1, 36-15-21, and 36-15-60 of the Code of Alabama 1975, relating to the duties, personnel, and certain funds of the office and repealing Sections 36-15-2, 36-15-4, 36-15-7, 36-15-8, 36-15-11, 36-15-18, and 36-15-20 of the Code of Alabama 1975.

was taken up.

The question was then on the adoption of the amendment #1 reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

On page 4, line 8, insert a semicolon after the word "office" and then insert the following after the semicolon: providing for certain merit system positions in the office

On pages 22 and 23, delete the existing Section 2 in its entirety and insert in lieu thereof a new Section 2 as follows:

Section 2. (a) Notwithstanding any other laws, in addition to the existing merit system positions in the office of the Attorney General, no later than October

1, 1995, the Attorney General shall designate certain positions in his or her office as state merit system positions and the individuals holding the positions on November 1, 1995, shall become state merit system employees. The State Personnel Department shall determine the appropriate classification for each aforementioned employee. The classifications shall reflect a classification and pay that would result in his or her compensation being the same or higher than his or her current compensation. Each of these individuals shall have conferred upon them all the rights and benefits of any other member of the classified service in the State Merit System.

(b) Notwithstanding any other provisions of law, as to any person holding an unclassified state merit system appointment under Act No. 91-736 in a currently budgeted position as a Deputy Attorney General or paralegal in any department or agency of the State of Alabama on the effective date of this act, after consulting with the director of the department or agency, the Attorney General shall designate the position in the department or agency as a classified state merit system position and the individual holding the position shall become a state merit system employee in the classification most appropriate to the job duties and current salary of the employee as determined by the State Personnel Department. The classification of each individual shall reflect a classification and pay which would result in his or her compensation being the same as his or her compensation on the effective date of this act or at entry level of the classification, whichever is greater. The individuals classified under this subsection shall have conferred upon them all the rights and benefits of other employees in the classified service under the state merit system.

H. 600 TEMPORARILY CARRIED OVER

In accordance with House Rule 21, the bill, H. 600, and the pending committee amendments were temporarily carried over at the request of Representative Haney.

MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Newton (D), the rules were suspended in order to permit the Standing Committee on Judiciary to meet while the House is in Session to consider the bill, S. 513.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senators Mitchell, Dial, Ghee, Little, and Hill:

S.J.R. 114. RECOGNIZING BOBBY ALLISON AND RICHARD CHILDRESS, AND INVITING THEM TO ADDRESS A JOINT SESSION OF THE LEGISLATURE.

WHEREAS, Richard Childress and Alabama's own Bobby Allison, and their respective racing organizations, have played a major role in the NASCAR industry in Alabama and the nation, successfully competing both as drivers and as owners; and

WHEREAS, over the past three decades these two racing legends have witnessed the growth of NASCAR from its infancy to the megasport that it is today, particularly the emergence of the Winston Cup Series as the premier event in NASCAR racing; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That is with special personal pleasure that we hereby extend a most cordial invitation to Bobby Allison and Richard Childress to address a joint session of the Alabama Legislature to be called on July 11, 1995, at 1:30 p.m.

BE IT FURTHER RESOLVED, That by copy of this resolution, Mr. Allison and Mr. Childress be advised of our invitation and of our hopeful anticipation of their acceptance.

McDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Carter, the rules were suspended, and the House concurred in and adopted the resolution, S.J.R. 114, set out in the foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Senators Mitchell, Dial, Hill, Little, and Ghee:

S.J.R. 115. HONORING BOBBY ALLISON OF HUEYTOWN, ALABAMA, FOR OUTSTANDING ACHIEVEMENTS.

Also:

By Senators Mitchell, Dial, Little, Hill, and Ghee:

S.J.R. 116. HONORING CHAMPIONSHIP RACE CAR OWNER AND
LEGEND RICHARD CHILDRESS AND WELCOMING HIM TO ALABAMA.

McDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Carter, the rules were suspended, and the House concurred in and adopted the resolution, S.J.R. 115, the title of which is set out in the foregoing Message from the Senate.

Also:

On motion of Representative Carter, the rules were suspended, and the House concurred in and adopted the resolution, S.J.R. 116, the title of which is set out in the foregoing Message from the Senate.

SPECIAL ORDER CALENDAR RESUMED

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative McDaniel, the Budget Isolation Resolution relating to the bill, H. 350, was adopted.

Yeas 78; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Box, Burke, Carns, Carothers, Carter, Clouse, Collins, Crigler, Dean, Dolbare, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Knight (A), Knight (J), Laird, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Sims, Spratt, Thomas (D), Townsend, Turnham, Vance, Venable, Warren, White and Willis.

And the bill:

H. 350. To amend Section 16-25A-17, Code of Alabama 1975, relating to the Public Education Employees' Health Insurance Program, to allow the Public Education Employees' Health Insurance Board to provide additional funding for retirees.

was taken up.

AMENDMENT OFFERED

Representative McDaniel offered the following amendment to the bill, H. 350:

On page 2, line 27, after the period, insert the following language: Any additional funding which may be provided to retirees with individual coverage who are not eligible for benefits under the federal medicare program by the Public Education Employees Health Insurance Board shall not have the effect of reducing the out of pocket cost below the total out-of-pocket cost paid by retirees with individual coverage who are eligible for benefits under the federal medicare program. The total out-of-pocket cost for the retirees with individual coverage who are eligible for benefits under the federal medicare program shall be determined by the combined cost of part B of the federal medicare program and the medicare supplement program provided by the Public Education Employees Health Insurance Program.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 79; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Box, Boyd, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Jackson, Johnson (E), Johnson (R), Knight (A), Knight (J), Laird, Maull, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Papucci, Parker (T), Payne, Penry, Petelos, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Spratt, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, Warren, White and Willis.

And the bill: .

H. 350. To amend Section 16-25A-17, Code of Alabama 1975, relating to the Public Education Employees' Health Insurance Program, to allow the Public Education Employees' Health Insurance Board to provide additional funding for retirees.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 88; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Knight (A), Knight (J), Laird, Lindsey, Maull, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (T), Payne, Penry, Petelos, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Spratt, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, Warren, White and Willis.

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PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative Smith intended to vote "Yea" on passage of the bill, H. 350, as amended.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 824. To amend Sections 23-2-141, 23-2-142, 23-2-143, 23-2-144, 23-2-145, 23-2-146, 23-2-147, 23-2-148, 23-2-149, 23-2-150, 23-2-151, 23-2-152, 23-2-155, 23-2-156, 23-2-160, and 23-2-161, Code of Alabama 1975, which sections relate to the construction, operation, and maintenance of toll road, bridge, and tunnel projects by the Alabama Toll Road, Bridge, and Tunnel Authority; to

further provide for the creation of the authority as a public corporation; to further provide that the bonds issued by the authority may be payable from the state's share of the supplemental excise tax on gasoline that is distributed to the state pursuant to the provisions of Section 40-17-74.1, Code of Alabama 1975; to provide that all contracts for the construction of projects undertaken by the authority shall be let by competitive bid; to provide that the Department of Transportation shall have certain powers to act on behalf of the authority; to further provide with respect to bonds and contracts of the authority and to empower the authority to make and enforce all reasonable rules and regulations; to provide that all bonds and other obligations of the authority shall be exempt from all laws respecting usury and to provide that no public hearing or consent by any department or agency of the state shall be prerequisite to the issuance of bonds by the authority; to appropriate to the authority all tolls collected by the authority and to authorize the authority to pledge that appropriation and the share of the state's supplemental excise tax on gasoline as security for the payment of the bonds issued by the authority; to provide that neither the activities of the authority nor the levy, setting, or collection of tolls shall be subject to supervision by the Public Service Commission or any other commission or agency of the state; and to create a special enterprise fund in the State Treasury into which all tolls and other revenues of the authority shall be deposited and to provide further with respect to the fund.

TOMMY CARTER
Chairman

And the bill, H. 824, as engrossed, was ordered sent to the Senate.

SPECIAL ORDER CALENDAR RESUMED

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Melton, the Budget Isolation Resolution relating to the bill, H. 611, was adopted.

Yeas 66; Nays 7.

Yea:

Mr. Speaker, Allen, Bandy, Black (M), Burke, Carter, Collins, Crigler, Dean, Dukes, Gaston, Gipson, Graham, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Johnson (E), Johnson (R), Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (T), Penry, Petelos, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Sims, Spratt, Townsend, Turner, Venable, White, Willis and Wren.

Nay:

Representatives Carns, Carothers, Curry, Dolbare, Gaines, Guin and Thomas (D).

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And the bill:

H. 611. (With Substitute) (With Amendments): To provide for the Alabama Mental Health Consumers' Rights Act.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on State Administration, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To provide for the Alabama Mental Health Consumers' Rights Act.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. This act shall be known and may be cited as the "Alabama Mental Health Consumers' Rights Act."

Section 2. As used in this act, the following terms shall have the following meanings:

(1) CONSUMER. A person who receives or uses mental health services.

(2) DEPARTMENT. The Alabama Department of Mental Health and Mental Retardation.

(3) FAMILY MEMBER. A person within the immediate family or a legal guardian of a mental health consumer.

(4) MENTAL HEALTH SERVICES. Services designed to treat or deal with persons with mental illness.

(5) MENTAL ILLNESS. A psychiatric disorder of thought or mood, or both, which significantly impairs judgment, behavior, capacity to recognize reality, or ability to cope with the ordinary demands of life. "Mental Illness" as used herein specifically excludes the primary diagnoses of epilepsy, mental retardation, substance abuse including alcoholism, or a developmental disability, or any combination thereof.

(6) PROGRAM. A program for providing mental health services.

(7) PROVIDER. Any agency, corporation, or individual who provides residential or outpatient mental health services to a consumer or consumers.

Section 3. The Legislature declares that mental health services shall be individualized, empowering, culturally relevant and diverse, flexible, and include natural supports. Mental health services shall also be provided in a way which is normalizing as well as respectful of the rights, responsibilities, and feelings of each consumer. Mental health services shall also focus on enabling individuals to maintain responsibility to the greatest extent possible for setting their own goals, directing their own lives, and acting responsibly as members of their community.

Section 4. (a) The general rights of consumers of mental health services include, but are not limited to, the following:

(1) The right to exercise rights as a citizen of the United States and the State of Alabama.

(2) The right to be served through general services available to all citizens.

(3) The right to choose to live, work, be educated, and recreate with persons who do not have disabilities.

(4) The right to be presumed competent until a court of competent jurisdiction, abiding by statutory and constitutional provisions, determines otherwise.

(5) The right to vote and otherwise participate in the political process.

(6) The right to free exercise of religion.

(7) The right to own and possess real and personal property.

(8) The right to make contracts.

(9) The right to obtain a driver's license on the same basis as other citizens.

(10) The right to social interaction with members of either sex.

(11) The right to marry and divorce.

(12) The right to be paid the value of work performed.

(13) The right to exercise rights without fear of reprisal.

(b) In addition, the rights of consumers of mental health services within inpatient, residential, or outpatient settings include, but are not limited to, the following:

- (1) The right to access individualized mental health services.
- (2) The right to participate in the treatment planning process.
- (3) The right to be accorded human respect and dignity on an individual basis in a consistently humane fashion.
- (4) The right to be fully informed, on an individual basis, when needed, concerning services provided, with information presented in a setting and in language appropriate to the consumer's condition and ability to understand.
- (5) The right to a statement of any applicable changes for mental health services, itemized when possible, and the right to be informed of any limitations placed on the duration of services.
- (6) The right to confidentiality of all information in the consumer's mental health, medical, and financial records.
- (7) The right to access upon request all information in the consumer's mental health, medical, and financial records, unless a clinical determination has been made by professional staff that access would be detrimental to the consumer's health.
- (8) For those consumers legally committed to facilities or programs, the right to be informed of one's commitment status including the requirements of the commitment, if any, and the length of the commitment.
- (9) The right to be free from any physical, verbal, sexual, or psychological abuse, exploitation, coercion, reprisal, intimidation, or neglect.
- (10) The right to make an individual, written decision to consent or refuse to participate in research or experimentation, based upon information which is presented in a non-threatening environment and in language appropriate to the consumer's condition and ability to understand. The information presented shall follow the General Requirements for Informed Consent as cited under the Code of Federal Regulations 45 CFR.46.116, Department of Health and Human Services, National Institute of Health, Office for Protection from Research Risks: "Protection of Human Subjects."
- (11) The right to be informed specifically of the procedures for initiating a complaint or grievance procedure and the applicable appeals process, including the means of requesting a hearing or review of the complaint.
- (12) The right to be informed of the means for accessing advocates, ombudsmen, or rights protection services within the program and, as applicable, the State of Alabama Mental Health System, the Alabama Department of Human Resources, the federal advocacy system, and other advocacy services. Access must be allowed without fear of reprisal.

- (13) The right to have access to courts and attorneys.
- (14) The right to enforce rights in a court of competent jurisdiction or appropriate administrative proceeding.
- (15) The right to use services in a safe and humane environment.
- (16) The right to conditions of mental health services which are supportive of each consumer's personal liberty and restrict liberty only to the extent necessary, consistent with each consumer's treatment needs, applicable requirements of law, and applicable judicial orders.
- (17) The right to be free from seclusion, physical restraints, drugs, or other interventions administered for purposes of punishment, discipline or staff convenience. Restraint, seclusion, or other intrusive treatments may be administered only in situations defined by applicable governing standards.
- (18) The right to refuse mental health services without reprisal except when refusals are not permitted under applicable law.
- (19) In residential or inpatient programs, the right to privacy.
- (20) In residential or inpatient programs, the right to have access to and privacy of mail, telephone communications, and visitors, unless legally restricted.
- (21) In residential or inpatient programs operated or certified by the State of Alabama, the right to adequate food and shelter.
- (22) In residential or inpatient programs operated or certified by the State of Alabama, the right to access dental and medical care, including vision and hearing services.
- (23) For those individuals legally committed to mental health services operated by the State of Alabama or community or regional mental health centers, the right to inclusion in the community with appropriate and adequate supports, on completion of or in conjunction with the terms of commitments.

Section 5. In order to ensure that consumers of mental health services through state facilities, community mental health centers, and other providers under contract to the department receive individual treatment and that rights delineated in Section 4 and elsewhere in state and federal law are consistently observed within mental health programs operated by the providers, the department shall establish within 180 days of enactment of this act official standards for certification to be observed by all state facilities, community mental health centers, and other providers under contract to the department. These standards shall be developed with the active participation of mental health consumers and family members. The department shall establish teams to monitor the compliance with these standards by state facilities, community mental health centers, and

providers under contract to the department, and consumers and family members shall be significantly represented on the teams.

Section 6. Any provider who abuses, exploits, or neglects a consumer in his or her care shall be subject to the civil and criminal remedies and penalties prescribed in Alabama law. All instances of abuse, exploitation, or neglect, as defined by Alabama law, shall be reported to appropriate licensing or investigative agencies, in a manner consistent with Alabama law.

Section 7. All providers of mental health services in Alabama shall develop and implement written policies and procedures that prohibit abuse, exploitation, or neglect of consumers in programs operated by the providers. At a minimum, these policies and procedures shall accomplish the following:

(1) Affirm and safeguard the rights of a consumer stated pursuant to this act.

(2) Ensure that prompt action is taken to prevent the potential of further abuse while an investigation is in process.

(3) Provide for an immediate and thorough investigation of all allegations of abuse, exploitation, or neglect by trained, experienced personnel delegated with all necessary authority. The status of all investigations shall be reported to the administrator(s) of the program or his or her designated representative on a continuous basis.

(4) Establish reasonable and appropriate corrective action, including education, training, and punishment for any program-affiliated individual who has been found responsible for abuse, exploitation, or neglect of consumers. All criminal violations shall be reported to the Office of the Attorney General, State of Alabama, or the local district attorney for consideration of further legal action.

(5) Prohibit the employment of individuals in any job involving care or services for consumers that are known to the provider to have a conviction of child, elder, patient, or resident abuse, exploitation, or neglect in any job involving care or services for consumers. The provider shall make a good faith effort to check the background of all persons hired in these jobs.

(6) Provide training and informational materials on consumers' rights and on the prevention of abuse, exploitation, and neglect for administrators, mental health professionals, direct-care staff, and volunteers. Each new staff member shall demonstrate working knowledge of this information, and training shall be given on an ongoing basis for all the previously mentioned workers. When possible, ongoing training shall be provided by consumers and family members.

Section 8. This act shall not override any provisions of the Adult Protective Services Act, pursuant to Chapter 9 (commencing with Section 38-9-1) of Title 38, Code of Alabama 1975, or the Child Abuse Reporting Act, Chapter 14

(commencing with Section 26-14-1) of Title 26, Code of Alabama 1975, and shall be read in para materia with those provisions.

Section 9. If any section of this act or any part of any section shall be declared invalid or unconstitutional, the declaration shall not affect the validity or constitutionality of the remaining portions thereof.

Section 10. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 77; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Box, Boyd, Burke, Buskey, Carothers, Carter, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Ford, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Lindsey, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (T), Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Smith, Spratt, Starkey, Townsend, Turner, Vance, Venable, Warren, White and Wren.

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The question was then on the adoption of the amendment #1 reported by the Standing Committee on State Administration, said committee amendment being as follows:

Amend House Bill 611 on page 8, Section 5, line 12 by adding after the word "health" the following: providers,

Further amend on line 13 after the word "members" by adding the following: of consumers

AMENDMENT ADOPTED

And the amendment #1 was adopted.

Yeas 79; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carter, Clouse, Crigler, Curry, Dean, Drake, Flowers, Ford, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Jorgensen, Knight (A), Knight (J), Lindsey, Maul, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Smith, Spratt, Starkey, Townsend, Turner, Vance, Venable, Warren, White and Wren.

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The question was then on the adoption of the amendment #2 reported by the Standing Committee on State Administration, said committee amendment being as follows:

Amend the Substitute for H. 611 on page 2, line 22, after the word "provides" by inserting the word inpatient,

Further amend the Substitute for H. 611 on page 4, line 25, by deleting the word "~~changes~~" and inserting in lieu thereof the word charges

Further amend the Substitute for H. 611 on page 10, lines 23 through 25, by deleting Section 10 in its entirety and inserting in lieu thereof a new Section 10 as follows:

Section 10. This act shall become effective on January 1, 1996.

AMENDMENT ADOPTED

And the amendment #2 was adopted.

Yeas 86; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carothers, Carter, Clouse, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Lindsey, Maul, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (T), Penry, Petelos, Pringle, Reed, Robinson, Rogers (J),

Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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The question was then on the adoption of the amendment #3 reported by the Standing Committee on State Administration, said committee amendment being as follows:

Amend the Substitute to H. 611 on page 3, by deleting lines 8, 9, and 10 after "(a)" in their entirety and inserting in lieu of the following: Consumers of mental health services have the same general rights as other citizens of Alabama. These rights include but are not limited to the following:

Further amend on page 4, line 16 after the word "process" by adding the following: , with material involved in this process presented in language appropriate to the consumer's ability to understand

Also amend on page 4, line 8 by deleting the words ~~fear of~~

Further amend on page 6, line 12 by deleting the words ~~fear of~~

Also amend on page 6, by deleting lines 20 through 24 in their entirety and renumber paragraphs 17 through 23 on pages 6 and 7 as 16 through 22.

Further amend on page 7 by adding after paragraph "(22)" the following:

(23) The right to conditions of mental health services which are supportive of each consumer's personal liberty and restrict liberty only to the extent necessary, consistent with each consumer's treatment needs, applicable requirements of law, and applicable judicial orders. Right 23 applies to general rights within a clinical setting as well as to specific rights enumerated in Section 4, Subsection B.

Also amend on page 3, line 24 by adding after the word "property." the following: Nothing in this section shall affect existing laws pertaining to conveyance of real or personal property.

AMENDMENT ADOPTED

And the amendment #3 was adopted.

Yeas 81; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey,

Carothers, Carter, Clouse, Curry, Dean, Dolbare, Drake, Ford, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (T), Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (J), Townsend, Turner, Vance, Venable, Warren, White, Willis and Wren.

-81

AMENDMENT OFFERED

Representative Flowers offered the following amendment to the bill, H. 611, as amended:

Amend H. 611 on page 2, Section 2, line 23, after the word "consumers." insert the following: Provided that nothing in this act shall apply to physicians licensed to practice medicine.

MOTION TO TABLE LOST

The motion offered by Representative Melton to table the amendment offered by Representative Flowers to the bill, H. 611, as amended, was lost.

Yeas 34; Nays 50.

Yea:

Representatives Allen, Bandy, Black (L), Black (M), Boyd, Buskey, Carns, Carter, Drake, Dukes, Graham, Hall (L), Hawk, Hilliard, Hinshaw, Hogan, Holmes, Houston, Johnson (E), Knight (J), Lindsey, Maull, McAdory, McClammy, Melton, Minnifield, Mitchell, Parker (T), Payne, Reed, Rogers (J), Spratt, Starkey and Thomas (J).

-34

Nay:

Representatives Box, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Flowers, Gaines, Gaston, Gipson, Guin, Hall (A), Hammett, Hawkins, Hill, Hooper, Johnson (R), Jorgensen, Knight (A), Laird, Layson, McDaniel, McMillan, Millican, Moore, Morrison, Morrow, Morton, Newton (C), Papucci, Penry, Petelos, Pringle, Robinson, Rogers (M), Sanderson, Seibenhener, Sims, Smith, Thomas (D), Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-50

AMENDMENT ADOPTED

The question was then on the adoption of the amendment offered by Representative Flowers to the bill, H. 611, as amended, and the amendment was adopted.

Yeas 87; Nays 0.

Yea:

Mr. Speaker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Payne, Penry, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-87

And the bill:

H. 611. To provide for the Alabama Mental Health Consumers' Rights Act.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 86; Nays 6.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carothers, Carter, Clark (W), Clouse, Crigler, Curry, Dean, Drake, Dukes, Flowers, Ford, Fuller, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Lindsey, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (T), Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-86

Nay:

Representatives Collins, Dolbare, Gaines, Layson, McKee and Thomas (D).

- 6

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 693. To amend Section 41-4-60, Code of Alabama 1975, relating to state warrants; to reduce the period of time to one year for which a state warrant may be presented for payment, or for which a claim on a warrant may be made.

McDOWELL LEE
Secretary

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 350. To amend Section 16-25A-17, Code of Alabama 1975, relating to the Public Education Employees' Health Insurance Program, to allow the Public Education Employees' Health Insurance Board to provide additional funding for retirees.

TOMMY CARTER
Chairman

And the bill, H. 350, as engrossed, was ordered sent to the Senate.

H. 600 AGAIN TAKEN UP

And the bill, H. 600, and the pending committee amendments which were previously temporarily carried over were again taken up.

AMENDMENT ADOPTED

The question was then on the adoption of the amendment #1 reported by the Standing Committee on Ways and Means, and the committee amendment #1 was adopted.

Yeas 83; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Carns, Carothers, Carter, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Willis.

-83

The question was then on the adoption of the amendment #2 reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

On page 22, line 12, delete the word "three" and insert the word "four" in lieu thereof.

AMENDMENT ADOPTED

And the amendment #2 was adopted.

Yeas 88; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hammett, Haney, Hawk, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Papucci, Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith,

Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Willis.

-88

AMENDMENT OFFERED

Representative Haney offered the following amendment #1 to the bill, H. 600, as amended:

On page 4, line 8, insert a semicolon after the word "office" and then insert the following after the semicolon: providing for certain merit system positions in the office

On pages 22 and 23, delete the existing Section 2 in its entirety and insert in lieu thereof a new Section 2 as follows:

Section 2. (a) Notwithstanding any other laws, in addition to the existing merit system positions in the office of the Attorney General, no later than December 15, 1995, the Attorney General shall designate certain positions in his or her office as state merit system positions and the individuals holding the positions on January 15, 1996, not to exceed six positions, shall become state merit system employees if he or she meets the minimum requirements for the position. The State Personnel Department shall determine the appropriate classification for each aforementioned employee. The classifications shall reflect a classification and pay that would result in his or her compensation being the same or higher than his or her current compensation. Each of these individuals shall have conferred upon them all the rights and benefits of any other member of the classified service in the State Merit System.

(b) Notwithstanding any other provisions of law, as to any person holding an unclassified state merit system appointment under Act No. 91-736 in a currently budgeted position as a Deputy Attorney General or paralegal in any department or agency of the State of Alabama on the effective date of this act, after consulting with the director of the department or agency, the Attorney General shall designate the position in the department or agency as a classified state merit system position and the individual holding the position shall become a state merit system employee in the classification most appropriate to the job duties and current salary of the employee as determined by the State Personnel Department if he or she meets the minimum requirements for the position. The classification of each individual shall reflect a classification and pay which would result in his or her compensation being the same as his or her compensation on the effective date of this act or at entry level of the classification, whichever is greater. The individuals classified under this subsection shall have conferred upon them all the rights and benefits of other employees in the classified service under the state merit system.

AMENDMENT ADOPTED

And the amendment #1 was adopted.

Yeas 95; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maul, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Willis.

-95

AMENDMENT OFFERED

Representative Haney offered the following amendment #2 to the bill, H. 600, as amended:

On page 22, line 10, strike through the word "is".

AMENDMENT ADOPTED

And the amendment #2 was adopted.

Yeas 91; Nays 0.

Yea:

Mr. Speaker, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hill, Hilliard, Hogan, Holmes, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maul, McAdory, McClammy, McDaniel, McKee, McMillan, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (T), Payne, Penry,

Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Willis.

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And the bill:

H. 600. Providing further for the office of the Attorney General by amending Sections 36-15-1, 36-15-4.2, 36-15-5.1, 36-15-6, 36-15-10, 36-15-10.1, 36-15-11.1, 36-15-21, and 36-15-60 of the Code of Alabama 1975, relating to the duties, personnel, and certain funds of the office; providing for certain merit system positions in the office and repealing Sections 36-15-2, 36-15-4, 36-15-7, 36-15-8, 36-15-11, 36-15-18, and 36-15-20 of the Code of Alabama 1975.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 88; Nays 0.

Yea:

Mr. Speaker, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (D), Page, Papucci, Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Warren, White and Willis.

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REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 693. To amend Section 41-4-60, Code of Alabama 1975, relating to state warrants; to reduce the period of time to one year for which a state warrant may be presented for payment, or for which a claim on a warrant may be made.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Report of the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Presiding Officer of the Senate having signed the following Senate Joint Resolutions, your signature thereto is requested:

S.J.R. 115. HONORING BOBBY ALLISON OF HUEYTOWN, ALABAMA, FOR OUTSTANDING ACHIEVEMENTS.

Also:

S.J.R. 114. RECOGNIZING BOBBY ALLISON AND RICHARD CHILDRESS, AND INVITING THEM TO ADDRESS A JOINT SESSION OF THE LEGISLATURE.

McDOWELL LEE
Secretary

SIGNING OF SENATE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolutions, the titles of which are set out in the foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Presiding Officer of the Senate having signed the following Senate Joint Resolution, your signature thereto is requested:

S.J.R. 116. HONORING CHAMPIONSHIP RACE CAR OWNER AND LEGEND RICHARD CHILDRESS AND WELCOMING HIM TO ALABAMA.

McDOWELL LEE
Secretary

SIGNING OF SENATE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolution, the title of which is set out in the foregoing Message from the Senate.

SPECIAL ORDER CALENDAR RESUMED

BUDGET ISOLATION RESOLUTION OFFERED

Representative Hill offered the motion to adopt the Budget Isolation Resolution relating to the bill, H. 210.

MOTION TO CARRY OVER TABLED

On motion of Representative Hill, the motion offered by Representative Clark (W) to carry over the bill, H. 210, and the pending Budget Isolation Resolution to the twenty-fourth legislative day was tabled.

Yeas 58; Nays 24.

Yea:

Mr. Speaker, Black (M), Burke, Cams, Carothers, Carter, Clouse, Collins, Dean, Dukes, Flowers, Galliher, Gaston, Gipson, Graham, Guin, Hamilton, Hammett, Haney, Hawk, Hawkins, Hill, Hinshaw, Hogan, Johnson (R), Jorgensen, Knight (A), Laird, Layson, Lindsey, McDaniel, McKee, McMillan, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (T), Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Smith, Spratt, Thomas (J), Townsend, Turner, Turnham, Venable, Warren and Willis.

-58

Nay:

Representatives Bandy, Buskey, Clark (W), Crigler, Dolbare, Gaines, Hilliard, Holmes, Houston, Johnson (E), Knight (J), Letson, Maull, McAdory, Melton, Newton (D), Payne, Penry, Petelos, Reed, Sims, Thomas (D), Vance and White.

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BUDGET ISOLATION RESOLUTION ADOPTED

The question was then on the motion offered by Representative Hill to adopt the Budget Isolation Resolution relating to the bill, H. 210, and the Budget Isolation Resolution was adopted.

Yeas 69; Nays 14.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Boyd, Burke, Carns, Carothers, Carter, Clouse, Curry, Dean, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Graham, Guin, Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hill, Hinshaw, Hogan, Hooper, Johnson (E), Johnson (R), Jorgensen, Knight (A), Laird, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (T), Petelos, Robinson, Rogers (M), Sanderson, Seibenhener, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Venable, Warren, White and Willis.

-69

Nay:

Representatives Bandy, Buskey, Clark (W), Dolbare, Hilliard, Holmes, Houston, Letson, Maull, Newton (D), Payne, Reed, Rogers (J) and Sims.

-14

And the bill:

H. 210. To amend Sections 8-8-15, 12-17-224, 13A-9-13.1, and 13A-9-13.2, Code of Alabama 1975, relating to the service charge for worthless checks and worthless negotiable instruments.

was taken up.

MOTION TO ADJOURN LOST

The motion offered by Representative Newton (D) that the House adjourn until 1:00 o'clock p.m., Tuesday, July 11, 1995, was lost.

H. 210 CARRIED OVER

In accordance with House Rule 21, the bill, H. 210, was carried over to the twenty-fourth legislative day at the request of Representative Hill.

Yeas 83; Nays 1.

Yea:

Mr. Speaker, Baker, Bandy, Black (M), Boyd, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, McAdory, McClammy, McDaniel, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (T), Payne, Pringle, Reed, Robinson, Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-83

Nay:

Representative Maull.

- 1

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative McMillan, the Budget Isolation Resolution relating to the bill, H. 532, was adopted.

Yeas 70; Nays 5.

Yea:

Mr. Speaker, Allen, Bandy, Black (M), Box, Boyd, Buskey, Carns, Carothers, Carter, Clark (W), Crigler, Curry, Dean, Dukes, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hamilton, Hammett, Haney, Hawk, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Houston, Johnson (E), Johnson (R), Jorgensen, Knight (A), Lindsey, McAdory, McClammy, McMillan, Melton, Millican, Mitchell, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (T), Payne, Penry, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Vance, Venable, Warren, White, Willis and Wren.

-70

Nay:

Representatives Baker, Dolbare, Hall (A), Holmes and Laird.

- 5

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H.J.R. 286. CREATING THE ELMORE COUNTY 2000 COMMISSION.

McDOWELL LEE
Secretary

H. 532 TAKEN UP

And the bill:

H. 532. (With Amendments): To provide for licensure and regulation of massage therapists and massage establishments; to provide for the registration of massage therapy schools and instructors; to create the Alabama Board of Massage Therapy and provide for the duties and powers of the board; and to prescribe penalties for violations of the act.

was taken up.

SUBSTITUTE OFFERED

Representative McMillan offered the following substitute to the bill, H. 532, and to the pending amendments reported by the Standing Committee on State Administration:

A BILL
TO BE ENTITLED
AN ACT

To provide for licensure and regulation of massage therapists and massage establishments; to provide for the registration of massage therapy schools and instructors; to create the Alabama Board of Massage Therapy; to create the Alabama Board of Massage Therapy Fund; to provide for an appropriation to the Alabama Board of Massage Therapy from the Alabama Board of Massage Therapy Fund in an amount as deemed necessary for fiscal year 1995-96; to provide for the duties and powers of the board; and to prescribe penalties for violations of the act.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. This act shall be cited as the "Alabama Massage Therapy Licensure Act."

Section 2. Massage therapy is declared by the Legislature to be a professional therapeutic health service. The Legislature finds that in the practice of massage therapy, there is a necessity to preserve and protect individual life and health, to promote the public interest and welfare by establishing licensure requirements and assuring public safety. It is the intent of this act to establish a regulatory agency and procedures that will ensure that the public is protected from the unprofessional, improper, unauthorized, and unqualified practice of massage therapy. All massage therapists engaged in the practice of massage therapy in this state shall meet the requirements set forth in this act.

Section 3. For purposes of this act, the following terms shall have the following meanings:

(1) **ADVERTISE.** Distributing a card, flier, sign, or device to any person or organization, or allowing any sign or marking on any building, radio, television, or by advertising by any other means designed to attract public attention.

(2) **APPRENTICESHIP.** A program of study, practice, and training of a student of massage therapy by a licensed professional massage therapist in a program approved by the board.

(3) **BOARD.** The Alabama Board of Massage Therapy created pursuant to this act.

(4) **BOARD-APPROVED MASSAGE THERAPY SCHOOL.** A school where massage therapy is taught which is one of the following:

a. If located in Alabama is accredited by the Department of Education and approved by the board as meeting the minimum established standards of training and curriculum as determined by the board.

b. If located outside of Alabama is recognized by the board and by a regionally recognized professional accrediting body.

c. Is a postgraduate training institute accredited by the Commission on Accreditation for Massage Therapy.

(5) **EXAMINATION.** A National Certification For Therapeutic Massage and Bodywork Examination administered by an independent agency.

(6) **LICENSE.** The credential issued by the board which allows the licensee to engage in the safe and ethical practice of massage therapy.

(7) **MESSAGE ESTABLISHMENT.** Any business where massage therapy is practiced by a licensed massage therapist.

(8) **MESSAGE THERAPIST.** A person licensed pursuant to this act who practices or administers massage therapy or touch therapy modalities to a patron for compensation.

(9) **MASSAGE THERAPY INSTRUCTOR.** A licensed massage therapist approved by the board to teach the practice of massage therapy.

(10) **PERSON.** Any individual, firm, corporation, partnership, organization, association, or other legal entity.

(11) **PROVISIONAL LICENSE.** A temporary license issued by the board after an applicant for a massage therapist license has met all licensing requirements except for passing the examination, issued after the applicant has taken the examination and while he or she awaits the results.

(12) **SEXUALLY ORIENTED BUSINESS.** A sex parlor, massage parlor, nude studio, modeling studio, love parlor, adult bookstore, adult movie theater, adult video arcade, adult motel, or other commercial enterprise which has as its primary business the offering for sale, rent, or exhibit, or the exhibit of, items intended to provide sexual stimulation or sexual gratification to the customer.

(13) **THERAPEUTIC MASSAGE AND RELATED TOUCH THERAPY MODALITIES.** The treatment of the external soft tissue for the purpose of maintaining good health and well-being. The term shall include effleurage, petrissage, tapement, compression, vibration, heliotherapy, superficial hot and cold applications, topical applications, or other therapy which involves movement either by hand, forearm, elbow, or foot, for the purpose of therapeutic massage. Massage therapy may include the external application and use of herbal or chemical preparations and lubricants such as salts, powders, liquids, nonprescription and nonmedicinal creams, heat lamps, hot and cold packs, salt glow, steam cabinet baths or hydrotherapy. The term includes any massage, movement therapy, massage technology, myotherapy, massotherapy, oriental massage techniques, structural integration, polarity therapy, or reflexology. The term shall not include laser therapy, microwave, injection therapy, manipulation of the joints, or any diagnosis or treatment of an illness that normally involves the practice of medicine, chiropractic, physical therapy, podiatry, nursing, occupational therapy, veterinary, acupuncture, osteopathy, orthopedics, hypnosis, naprapathy, or naturopathics.

Section 4. Except as specifically provided by this act, beginning January 1, 1996, no person may do any of the following unless licensed pursuant to this act:

(1) Advertise that he or she performs therapeutic massage or related touch therapy modalities.

(2) Hold himself or herself out to the public as a massage therapist, using any name or description denoting himself or herself as a massage therapist, or purporting to have the skills necessary to perform massage therapy.

(3) Practice massage therapy.

Section 5. (a) The following persons shall be exempt from this act:

(1) A student or an apprentice of massage therapy who is rendering massage therapy services under the supervision of a licensed massage therapy instructor, or any other supervisory arrangement recognized and approved by the board, including, but not limited to, a temporary permit. The intern or apprentice shall be designated by title as a massage therapy intern, or by another title clearly indicating training status.

(2) Qualified members of other professions who are licensed and regulated under Alabama law while they are in the course of rendering services within the scope of their license or regulation, provided that they do not represent themselves as massage therapists.

(3) A person giving massages to his or her immediate family.

(4) Visiting massage therapy instructors from another state, territory, or country teaching massage therapy, provided that the massage therapy instructor is licensed or registered as required in his or her place of residence. The board shall establish by rule the duration for which a visiting massage therapy instructor may teach in this state.

(5) Sobadores, Native American healers, or any other ethnic and traditional healers using traditional healing practices. Healers who use these practices but apply for a license pursuant to this act shall comply with all licensure requirements.

(b) Nothing in this act shall be construed to permit massage therapists licensed under this act to administer, dispense, or prescribe drugs, or engage in the practice of medicine in any manner, including, but not limited to, diagnosing or prescribing drugs for mental, emotional, or physical diseases, illnesses, or injuries.

Section 6. (a) There is created the Alabama Board of Massage Therapy. The purpose of the board is to protect the health, safety, and welfare of the public by ensuring that licensed massage therapists, massage therapy schools, and massage therapy instructors meet prescribed standards of education, competency, and practice. To accomplish this mission, the board shall establish standards pursuant to this act to complete all board functions in a timely and effective manner and to provide open and immediate access to all relevant public information. The board shall communicate its responsibilities and services to the public as part of its consumer protection duties. Members and employees of the board shall be properly trained to carry out their duties for the board. The board shall develop and implement a long range plan to ensure effective regulation and consumer protection.

(b) The board shall consist of seven members appointed by the Governor, subject to confirmation by the Senate. No member of the board shall serve more than two full consecutive terms. The members initially appointed to the board shall be appointed no more than 60 days after the effective date of this act. Five of the members initially appointed to the board shall have been engaged in the

practice of massage therapy for not less than three consecutive years prior to the date of their appointment to the board. Successor members to these initial five appointees shall be licensees of the board. Two members shall be public members who shall not be licensed, nor have been licensed in the past, and shall not have any direct financial interest, in the massage therapy profession. Each board member shall be a high school graduate or shall have received a graduate equivalency diploma. Each board member shall be a citizen of the United States and a resident of this state for two years immediately preceding the appointment.

(c) Of the initial seven appointees to the board, three members shall be appointed for terms ending September 30, 1996, and four members shall be appointed for terms ending September 30, 1998. Thereafter, successors shall be appointed for terms of four years, each term expiring on September 30.

(d) Vacancies on the board occurring prior to the expiration of a term shall be filled by the Governor in the manner of the original appointment for the remainder of the unexpired term. Each member of the board shall serve until his or her successor has been duly appointed and qualified.

(e) At the first meeting, and annually thereafter in the month of October, the board shall elect a chair and vice chair from its membership.

(f) The board shall hold its first meeting within 30 days after the initial members are appointed. The board shall hold meetings during the year as it determines necessary, two of which shall be the biannual meetings for the purpose of reviewing license applications. Additional meetings may be held at the discretion of the chair or upon written request of any three members of the board. A quorum of the board shall consist of four members.

(g) Board members shall not receive compensation for their services, but shall receive the same per diem and allowance as provided to state employees for each day the board meets and conducts business.

(h) The board shall promulgate the rules necessary to implement this act pursuant to the Administrative Procedure Act.

(i) The board may employ, and at its pleasure discharge, an executive secretary and other officers and employees as may be necessary, including an attorney to implement this act. The board shall also outline the duties and fix the compensation and expense allowances of the employees.

(j) An affirmative vote of a majority of the members of the board shall be required to grant, suspend, or revoke a license to practice massage therapy or a license to operate a massage therapy establishment.

(k) The board shall be financed only from income accruing to it from fees, licenses, other charges and funds collected by it, and any moneys that are appropriated to it by the Legislature.

(l) Each board member shall be accountable to the Governor for the proper performance of his or her duties as a member of the board. The board shall report to the Governor annually and at other times as requested by the Governor. The Governor shall investigate any complaints or unfavorable reports concerning the actions of the board and take appropriate action thereon, including removal of any board member for misfeasance, malfeasance, neglect of duty, commission of a felony, incompetence, or permanent inability to perform official duties. A board member may be removed at the request of the board after failing to attend three consecutive properly noticed meetings.

(m) Members of the board are immune from liability for all good faith acts performed in the execution of their duties as members of the board.

(n) Appointees to the board shall take the constitutional oath of office and file it in the Office of the Governor before undertaking any duties as a board member. Upon receiving the oath, the Governor shall issue a certificate of appointment to each appointee.

Section 7. (a) The board shall do all of the following:

(1) Examine and qualify for examination applicants for licensure and issue a license to each successful applicant.

(2) Adopt a seal, which shall be affixed to all licenses issued by the board.

(3) Prescribe application forms for examination and licensure and assess and collect fees pursuant to this act.

(4) Maintain a complete record of all licensed massage therapists and annually prepare a roster of the names and addresses of the licensees. A copy of this roster shall be made available to any person requesting it, upon payment of a fee set by the board in an amount sufficient to cover the costs of its publication and distribution.

(5) Investigate persons who may be violating this act.

(6) Adopt and revise rules and regulations pursuant to the Administrative Procedure Act, including the adoption of rules concerning unprofessional conduct.

(7) Provide a copy of this act to all persons licensed under this act and to all applicants for licensure.

(8) Require massage therapists to carry professional liability insurance with an "A" rated or better insurance carrier in the amount of one million dollars (\$1,000,000). The massage therapist shall produce evidence of coverage upon request of the board.

(9) Have other powers necessary and proper for the performance of official duties.

(b) The board may do any of the following:

(1) Accept or deny the application of any person applying for licensure as a massage therapist upon an affirmative vote of a majority of the board.

(2) Establish criteria for certifying massage therapy instructors.

(3) Adopt an annual budget and authorize necessary expenditures from fees and other available appropriations, provided, in no event shall the expenditures of the board exceed the revenues in any fiscal year.

(4) Adopt a code of ethics.

(5) Provide for the inspection of the business premises of any licensee during normal business hours.

(6) Establish a list of approved massage therapy schools.

Section 8. (a) No person may perform the duties of a massage therapist unless he or she possesses a current license issued pursuant to this act.

(b) A licensed massage therapist may not perform massage therapy, whether or not for compensation, for a sexually oriented business.

(c) A licensed massage therapist shall not advertise or offer to perform services outside the scope of his or her expertise, experience, and education for clients who are ill, or those with physical dysfunction(s), unless such services are performed in conjunction with a licensed physician, physical therapist, or chiropractor.

Section 9. (a) A person desiring to be licensed as a massage therapist shall apply to the board to take the examination. Applicants for licensure shall pay the examination fee, and shall submit evidence satisfactory to the board that they have met one of the following requirements:

(1) Satisfactorily completed a minimum of 500 hours of supervised courses of instruction before January 1, 1997. The course of instruction may be provided by a proprietary massage therapy school licensed by the State Department of Education. The minimum 500 hours shall consist of the following: 325 hours dedicated to the study of basic massage therapy techniques and clinical practice related modalities; 125 hours dedicated to the study of anatomy and physiology; and an additional 50 hours of discretionary related course work, including, but not limited to, hydrotherapy, business practices and professional ethics, health and hygiene, and cardiopulmonary resuscitation and first aid. Beginning January 1, 1997, applicants for licensure shall be required to complete a minimum of 650 hours of instruction. The minimum 650 hours shall consist of the following: 100 hours of anatomy and physiology to include 35 hours of myology, 15 hours of osteology, 10 hours of circulatory system, and 10 hours of nervous system, with

the remaining 30 hours to address other body systems at the discretion of the school; 250 hours of basic massage therapy, the contradistinctions of massage therapy, and related touch therapy modalities, to include a minimum of 50 hours of supervised massage; 50 hours to include business, hydrotherapy, first aid, cardiopulmonary resuscitation, and professional ethics; and 250 hours of electives to be determined by the school. Before performing therapeutic massage on an animal, a massage therapist shall graduate from a nationally approved program and complete at least 100 hours of postgraduate training and education in animal anatomy and physiology for the type of animal upon which the massage therapist wishes to perform therapeutic massage.

(2) Practiced massage therapy for a minimum of three consecutive years prior to the date of an application filed prior to January 1, 1997.

(3) Is licensed or registered in another state, which in the opinion of the board has standards of practice or licensure that are equal to or stricter than the requirements imposed by this act.

(4) Passed the National Certification Exam for Therapeutic Massage and Bodywork prior to January 1, 1997.

(b) The board shall notify each applicant of the acceptance or rejection of his or her application. If the application is rejected, the board shall list the reasons for rejection.

Section 10. (a) The massage therapist examination shall be conducted at the times and places and under the supervision determined by the board, provided that the examination shall be given at least twice each calendar year. The board shall give public notice and shall notify each eligible applicant of the time and place of the examination.

(b) The board shall determine by rule the scope, form, and content of the examination, which shall consist of a written examination and a practical examination or oral interview. The examination shall adequately measure the knowledge of the applicant of the practice of massage therapy. Professional testing services may be utilized.

(c) An applicant shall successfully pass the examination in order to be eligible for licensure as a massage therapist. The board shall notify each applicant in writing of the results of the examination. Any applicant who fails to pass the examination may take the examination again upon application and payment of an additional examination fee. No applicant shall be allowed to take the examination more than twice in a two-year period.

(d) All examinations shall be conducted in a manner so that the applicants are known to the board by number until the examination is completed and the grade determined. A record of each examination shall be filed with the board office and available for inspection for a period of two years following the examination.

Section 11. (a) Massage establishments shall be licensed by the board. A sexually oriented business may not be licensed as a massage establishment and shall not operate as a massage establishment.

(b) Massage establishments shall employ only licensed massage therapists or provisionally licensed massage therapists to perform massage therapy.

(c) The board shall provide by rule, for a fair and reasonable procedure to grant exemptions from the licensure requirement of this section when the applicant can show that the advertising of massage therapy services is incidental to the primary function of his or her business. No such exemption shall be granted to a sexually oriented business.

(d) An establishment license issued pursuant to this act is not assignable or transferable.

Section 12. (a) Applications for licensure or renewal shall be on forms provided by the board and shall be accompanied by the proper fee. The application shall be legible, either printed in black ink or typed. Applications sent by facsimile shall not be accepted. A two-by-two photograph, taken no more than six months earlier, showing a frontal view of the head and shoulders of the applicant, shall be submitted with the application. All documents shall be submitted in English.

(b) The board shall issue a license to each person who qualifies to be a massage therapist and to each qualified massage therapy establishment. To be qualified for a license as a massage therapist the applicant shall have successfully passed the examination. A license grants all professional rights, honors, and privileges relating to the practice of massage therapy.

(c) Each licensed therapist shall display his or her license in the manner specified by the board. Each massage establishment shall post its license in plain sight and the license of each massage therapist who practices in the massage establishment.

(d) A license is the property of the board and shall be surrendered upon demand of the board.

Section 13. (a) An applicant who otherwise possesses the qualifications for licensing and has taken the examination may be granted a provisional license to engage in the practice of massage therapy until the results of the examination are released.

(b) To receive a provisional license, an application showing that the applicant has met all licensure requirements except for passing the examination shall be filed with the board. A provisional license may not be issued to any applicant under investigation for any conduct which could result in denial of licensure or to a person who has previously failed the examination. The holder of a provisional

license shall, at all times, keep the board apprised of his or her location of practice.

(c) An individual who has been issued a provisional license shall practice massage therapy only under the supervision of a licensed massage therapist.

(d) A provisional license expires upon the announcement of the results of the examination the provisional licensee has taken. If the provisional licensee passes the examination, he or she shall immediately be issued a massage therapist license.

Section 14. (a) Each license, except a provisional license, shall be renewed annually, on or before the anniversary date, by forwarding to the board a renewal application accompanied by the renewal fee. Any license not renewed on or before the anniversary date shall expire.

(b) Each licensee, upon application for renewal of a license, shall submit evidence of satisfactory completion of the continuing education requirements contained in Section 22.

(c) Licenses are valid for two years from the date of issuance. An individual whose license has expired and who has ceased to practice massage therapy for a period of not longer than five years may have his or her license reinstated upon payment of a renewal fee and a late fee and submission of a renewal application and evidence satisfactory to the board that the applicant has fulfilled continuing education requirements and passed the examination.

Section 15. (a) The board shall initially assess and collect the following fees:

(1) One hundred sixty dollars (\$160) for the examination.

(2) One hundred dollars (\$100) for the initial massage therapist license which shall be issued for one year. The initial licensing fee shall be assessed in the month when the applicant is notified that the license has been approved.

(3) One hundred dollars (\$100) for all biennial license renewals postmarked or received at the office of the board by the date in which the license expires.

(4) Twenty-five dollars (\$25) for the initial application for licensure or the resubmission of the initial application.

(5) One hundred dollars (\$100) for the initial establishment license.

(6) Fifty dollars (\$50) for the biennial renewal of the establishment license.

(7) The cost of a provisional license shall be the massage therapist fee prorated for that part of the year until the results of the examination are announced.

(8) Fifty dollars (\$50) for the initial registration as a massage therapy school in this state.

(9) Ten dollars (\$10) to renew the registration as a massage therapy school.

(10) Ten dollars (\$10) to register as a massage therapy instructor in this state. This is a one-time fee and does not have to be renewed.

(11) Seventy-five dollars (\$75) to reactive an inactive license.

(12) Twenty-five dollars (\$25) shall be added to all license fees not post marked or received by the board before the expiration date of the license.

(13) Fifteen dollars (\$15) to verify a license.

(14) Ten dollars (\$10) for a duplicate license certificate or a name change on a license certificate. The board may issue a duplicate certificate only after receiving a sworn letter from the massage therapist that the original certificate was lost, stolen, or destroyed. The records of the board shall reflect that a duplicate certificate was issued.

(b) Necessary administrative fees may be charged by the board, including, but not limited to, reasonable costs for copying, labels, and lists and examination and license fees may be adjusted as the board shall deem appropriate.

(c) There is hereby established a separate special revenue trust fund in the State Treasury to be known as the Alabama Board of Massage Therapy Fund. All receipts collected by the board under the provisions of this act are to be deposited in this fund and used only to carry out the provisions of this act. Such receipts shall be disbursed only by warrant of the State Comptroller, upon itemized vouchers approved by the chair of the board; provided that no funds shall be withdrawn except as budgeted and allotted according to the provisions of Sections 41-4-80 to 41-4-96, inclusive, 41-19-1, and 41-19-12, Code of Alabama 1975, as amended, and only in amounts as stipulated in the general appropriations bill or other appropriations bills.

(d) There is hereby appropriated from the Alabama Board of Massage Therapy Fund to the Alabama Board of Massage Therapy for the fiscal year 1995-96 such amounts as are deemed necessary by the Alabama Board of Massage Therapy to fund the provisions of this act.

Section 16. (a) The board may suspend, revoke, or refuse to issue or renew a license or impose a civil penalty after notice and opportunity for a hearing pursuant to the Administrative Procedure Act, upon proof of any of the following:

(1) The license was obtained by means of fraud, misrepresentation, or concealment of material facts, including making a false statement on an application or any other document required by the board for licensure.

(2) The licensee sold or bartered or offered to sell or barter a license for a massage therapist or a massage therapy establishment.

(3) The licensee has engaged in unprofessional conduct that has endangered or is likely to endanger the health, safety, and welfare of the public, as defined by the rules of the board.

(4) The licensee has been convicted of a felony or of any crime arising out of or connected with the practice of massage therapy.

(5) The licensee has violated or aided and abetted in the violation of this act.

(6) The licensee is adjudicated as mentally incompetent by a court of law.

(7) The licensee habitually and excessively of controlled substances or alcohol.

(8) The licensee engaged in false, deceptive, or misleading advertising.

(9) The licensee had a license revoked, suspended, or denied in any other territory or jurisdiction of the United States for any act described in this section.

(b) Any person who has been convicted of, or entered a plea of nolo contendere to, a crime or offense involving prostitution or other sexual offenses is ineligible to hold a license as a massage therapist for a period of three years after the entry of the conviction or plea.

(c) Any person who has been convicted of, or entered a plea of nolo contendere to, a crime or offense involving prostitution or sexual offenses may not receive a license for a massage therapy establishment for a period of three years after the date of conviction or entry of the plea. The board shall revoke the establishment license of any establishment which the board determines is a sexually oriented business. The board may revoke an establishment license if a person is convicted of, or enters a plea of nolo contendere to, any crime involving prostitution or other sexual offense against a client which occurred on the premises of the establishment.

Section 17. (a) A person who does not hold a license as a massage therapist, physical therapist, chiropractor, or athletic trainer, or for a massage therapy establishment shall not use the words "massage" or "bodywork" on any sign or other form of advertising describing services performed by the person or at the establishment. Any advertisement by a massage therapist or massage establishment shall contain the license number of the therapist or establishment. Under no circumstances may a sexually oriented business hold itself out as offering massage therapy services.

Section 18. Any person who violates this act shall be guilty of a Class C misdemeanor.

Section 19. (a) In addition to the criminal penalties by this act, the board may seek an injunction against any person or establishment in violation of this act.

(b) In an action for an injunction, the board may demand and recover a civil a penalty of fifty dollars (\$50) per day for each violation, reasonable attorney fees, and court costs.

Section 20. (a) Except as otherwise provided in subsection (b), this act shall supersede any regulation adopted by a political subdivision of the state related to the licensing or regulation of massage therapists and massage therapy establishments.

(b) This section shall not affect:

(1) Local regulations relating to zoning requirements or occupational license taxes pertaining to massage therapists and massage therapy establishments.

(2) Local regulations that do not relate to the practice of massage therapy by qualified persons.

(c) A county, or a municipality within its jurisdiction, may regulate persons licensed pursuant to this act. Regulation shall not be inconsistent with the provisions of this act. This section shall not be construed to prohibit a county or municipality from regulating persons not licensed pursuant to this act.

Section 21. (a) To be approved by the board, a massage therapy school shall meet the following requirements:

(1) File a completed application prescribed by the board with the board and pay a registration fee as specified in Section 15.

(2) Provide documentation of a curriculum which includes a minimum number of required hours of instruction in the subjects required pursuant to Section 9.

(3) Register annually with the board by filing a renewal form accompanied with the renewal fee pursuant to Section 15, and submit a current curriculum and a list of instructors.

(b) Every instructor teaching course work titled massage therapy at a board approved school located in Alabama shall be licensed in Alabama as a massage therapist and registered as a massage therapy instructor. Instructors who are not teaching massage therapy do not need to be registered. Any adjunct instructors shall be dually licensed in the state where they reside, be nationally certified, or both.

The board shall register as a massage therapy instructor any applicant who meets all of the following requirements:

(1) Is currently licensed as a massage therapist in Alabama.

(2) Has filed a completed application prescribed by the board and paid a one-time application fee pursuant to Section 15.

(3) Documents two years of experience in the practice of massage therapy. The documentation may be considered by the board on a case-by-case basis.

Section 22. (a) Every massage therapist licensed pursuant to this act shall be required to complete 16 hours of continuing education as a condition for renewing his or her license. The continuing education courses shall be offered by providers approved by the board. The courses shall have been completed within the 24 months preceding the date renewal is due. Hours in excess of the total number required may not be carried over to future renewals. The continuing education requirements shall not apply to a massage therapist within the biennium when the massage therapist is first licensed, but shall apply to licensees every biennium thereafter. The board may accept for compliance with the continuing education requirement any of the following:

(1) Courses or providers which contribute directly to the massage therapy education of the licensee.

(2) Courses, seminars, workshops, and classes in areas related to the practice of massage therapy such as: Massage, bodywork, allied health care fields (including psychology and medicine), anatomy and physiology, business, insurance, movement therapy, stress management, yoga, CPR, and advanced first aid.

(3) Courses of study offered by registered massage therapy schools in Alabama, or by massage therapy instructors registered with the State of Alabama, or by any national organization in the field of massage therapy or related touch therapy field.

(b) Up to 25 percent, or four hours of credit, of the required number of hours of continuing education shall be earned in each of the following areas:

(1) Teaching a qualifying class, course, seminar, or workshop.

(2) Publishing an article in the field relating to massage therapy.

(3) Speaking on the subject of massage therapy.

(4) Being a panelist discussing massage therapy.

(5) Serving as an examiner or model for the state licensing practical.

(6) Participating in a personal growth class.

(c) Each of the areas listed in subsection (b) may be used for up to four hours of credit depending on the actual contact hours. One continuing education credit is defined as no less than 50 uninterrupted minutes of learning, except that publishing an article will automatically count for four hours. Continuing education credit may not be awarded for programs which do not relate to subjects listed in this section, or for repeated courses submitted the previous biennial, except for courses listed in subsection (b). The board may select, in a random manner, license renewal applications for audit of continuing education credit. Each licensee shall be responsible for maintaining in his or her personal files the certificates or records of credit from continuing education programs received from approved program providers. Each licensee selected for audit shall be required to produce documentation of attendance at those continuing education activities listed on his or her renewal application.

(1) The board shall send to each licensee selected for audit, a notice of audit. The licensee shall provide satisfactory documentation of attendance at, or participation in, the approved continuing education programs listed in the renewal application.

(2) The licensee shall ascertain that the continuing education program is approved by the board.

(d) The board shall evaluate applications from all providers of continuing education programs, including massage therapy schools and instructors, in order to determine if approval shall be granted or denied.

(1) The provider or licensee shall submit to the board an application on a form provided by the board. Only applications which are complete will be considered.

(2) The provider or licensee shall submit a complete application to the board at least 60 days prior to the date on which the program is to be given to gain approval before the program is presented.

Section 23. (a) Each person licensed to practice massage therapy in Alabama shall maintain the following ethical standards:

(1) Have a sincere commitment to provide the highest quality professional care and to promote high standards in the practice of massage therapy.

(2) Perform only those services for which he or she is qualified and to honestly represent his or her education, certification, personal affiliations and other qualifications.

(3) Acknowledge the intent, worth, and individuality of each person by honoring the beliefs, boundaries, choices, and processes of the client.

(4) Strive for professional excellence through regular assessments of his or her personal strengths, limitations, and effectiveness, and by continued education, training, therapy, and supervision or all of the above.

(5) Abide by and be informed of all current state and county laws governing the practice of massage therapy.

(6) Educate the community in the understanding and the recognition of massage therapy as a valuable health service.

(7) Respect the confidential nature of the professional relationship with a client and protect the right to privacy of each client by recognizing the following:

a. The practitioner does not probe intrusively for information about a client's emotional and sexual history or in any way imply that the client must give this information.

b. If information about the client's emotional or sexual history is communicated, the practitioner shall not offer judgments or diagnoses.

c. In cases where the practitioner suspects sexual abuse history in a client, yet this history is not consciously perceived by the client, the practitioner shall refrain from imposing his or her opinion on the client.

(8) Practice informed consent by:

a. Giving a reason or rationale for the proposed treatment, including information about the nature of treatment such as physical location, depth, duration, and direction of pressure, if pain or discomfort may be experienced, and the duration of the treatment, and ensuring that the client understands the objective and outcome of the treatment.

b. Seek consent from the client to work on certain parts of the body, including parts around breast tissue, front side and back side of hip and abdomen, and on specific areas where the client has expressed anxiety, concern, or both and ensure that the client feels free to accept or reject the proposed treatment or parts thereof before or after treatment begins.

(9) Respect all ethical health care practitioners and work together amicably to promote health and healing.

(10) Conduct all business and professional activities with honesty and integrity.

(11) Accept responsibility to maintain physical, mental, and emotional well-being for benefit of self, clients, and associates.

(12) Respect the integrity of each person by ensuring that no sexual activities or conduct involve a client.

a. There shall be no sexual contact or romantic relationships between practitioner and client during the course of treatment or for a period of three months after conclusion of course of treatment.

b. The practitioner is responsible for maintaining appropriate boundaries to avoid sexual conduct.

c. The degree of modesty and appropriate draping procedures in any particular session respects the boundaries of both client and practitioner.

d. Clients shall disrobe in private.

e. Practitioners shall use appropriate support which is the nonsuggestive or noninvasive use of hands or fingers, arms, elbows, knees, and feet.

f. Practitioners shall use appropriate clinical terminology when speaking about body parts.

g. Practitioners shall refrain from improper personal comments, verbal or nonverbal, about the physical condition of the body of the client.

Section 24. This act shall become operative on January 1, 1996.

Section 25. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 70; Nays 2.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Carns, Carothers, Carter, Collins, Crigler, Curry, Dean, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Johnson (R), Knight (A), Knight (J), Laird, Letson, Lindsey, McAdory, McClammy, McDaniel, McKee, Millican, Minnifield, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (T), Payne, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sims, Smith, Spratt, Thomas (D), Townsend, Turner, Turnham, Venable, White and Willis.

Nay:

Representatives Dolbare and Jorgensen.

- 2

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 679. To authorize and adopt a voluntary public-private non-profit partnership or trust agreement proposed by The Citizenship Trust; to enhance and expand citizenship education of young people; and to provide for the purposes, member parties, organization, structure, incorporation, non-profit status, powers, tax exemption from state and local taxes.

McDOWELL LEE
Secretary

H. 532 RESUMED

AMENDMENT OFFERED

Representative Rogers (J) offered the following amendment to the bill, H. 532, as amended:

Amend H. 532 on page 9 line 2 after the period by adding the following: "Minority representation on the Board shall reflect the racial diversity of the State."

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 76; Nays 1.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Boyd, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dolbare, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hill, Hinshaw, Hogan, Holmes, Hooper, Houston, Johnson (R), Knight (A), Knight (J), Laird, Layson, Letson, Lindsey,

McAdory, McClammy, McDaniel, McKee, McMillan, Millican, Minnifield, Mitchell, Morrow, Morton, Murphree, Page, Papucci, Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sims, Smith, Spratt, Thomas (D), Townsend, Turner, Turnham, Venable, White and Willis.

-76

Nay:

Representative Jorgensen.

- 1

AMENDMENT OFFERED

Representative McMillan offered the following amendment to the bill, H. 532, as amended:

On page 1, line 15, after the word "Therapy" add the following language: and the

On page 5, line 22, after the word "integration," delete the language "polarity therapy, or" and insert in lieu thereof the following language: or polarity therapy

On page 5, at the beginning of line 23, delete the following: reflexology

On page 20, line 18, delete the word "reactive" and insert in lieu thereof the following: reactivate

On page 22, line 24, after the word "excessively" delete the word "of" and insert in lieu thereof the following: uses

On page 24, line 12, after the word "civil" delete the following word: a

On page 26, at the beginning of line 20, delete the word "biennuim" and insert in lieu thereof the following: biennium

On page 26, line 21, after the word "every" delete the word "biennuim" and insert in lieu thereof the following: biennium

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 71; Nays 1.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Box, Carns, Carothers, Carter, Clouse, Collins, Dean, Dolbare, Dukes, Flowers, Ford, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Johnson (R), Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Morrow, Murphree, Newton (C), Page, Papucci, Parker (T), Payne, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Townsend, Turner, Turnham, Venable, White and Willis.

-71

Nay:

Representative Jorgensen.

- 1

And the bill:

H. 532. To provide for licensure and regulation of massage therapists and massage establishments; to provide for the registration of massage therapy schools and instructors; to create the Alabama Board of Massage Therapy; to create the Alabama Board of Massage Therapy Fund; to provide for an appropriation to the Alabama Board of Massage Therapy from the Alabama Board of Massage Therapy Fund in an amount as deemed necessary for fiscal year 1995-96; to provide for the duties and powers of the board; and to prescribe penalties for violations of the act.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 75; Nays 6.

Yea:

Mr. Speaker, Allen, Black (L), Box, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hill, Hilliard, Hogan, Hooper, Houston, Johnson (R), Knight (A), Knight (J), Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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Nay:

Representatives Dolbare, Hinshaw, Holmes, Jorgensen, Laird and Letson.

- 6

MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Buskey, the rules were suspended in order to take up out of order the Budget Isolation Resolution and the bill, H. 767.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Buskey, the Budget Isolation Resolution relating to the bill, H. 767, was adopted.

Yeas 34; Nays 10.

Yea:

Representatives Baker, Black (L), Box, Buskey, Carter, Clark (W), Clouse, Dean, Ford, Galliher, Gaston, Graham, Hall (L), Hawk, Hawkins, Hilliard, Holmes, Hooper, Johnson (E), Jorgensen, Kennedy, Knight (J), McClammy, McMillan, Melton, Minnifield, Mitchell, Papucci, Penry, Pringle, Rogers (J), Smith, Spratt and Turner.

-34

Nay:

Representatives Carns, Crigler, Curry, Hamilton, Layson, Morton, Payne, Sims, Townsend and Willis.

-10

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative Reed

intended to vote "Yea" on adoption of the Budget Isolation Resolution relating to the bill, H. 767.

PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative Papucci inadvertently voted "Yea" but intended to abstain from voting on adoption of the Budget Isolation Resolution relating to the bill, H. 767, due to a possible conflict of interest.

H. 767 TAKEN UP

And the bill:

H. 767. Relating to Mobile County; to amend Act No. 86-545, S. 655, 1986 Regular Session, as amended, which creates a county racing commission; to provide further for wagering on broadcasts.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 29; Nays 21.

Yea:

Representatives Baker, Bandy, Black (L), Black (M), Box, Buskey, Clark (W), Dean, Gaston, Hall (L), Hayden, Hilliard, Holmes, Houston, Johnson (E), Kennedy, Knight (J), Lindsey, McAdory, McClammy, Melton, Mitchell, Newton (D), Pringle, Reed, Rogers (J), Spratt, Thomas (J) and Turner.

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Nay:

Representatives Carns, Collins, Crigler, Dukes, Gaines, Guin, Hamilton, Hill, Knight (A), Layson, Maull, Morton, Payne, Seibenhener, Sims, Smith, Thomas (D), Townsend, Turnham, Vance and Willis.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 611. To provide for the Alabama Mental Health Consumers' Rights Act.

TOMMY CARTER
Chairman

And the bill, H. 611, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 600. Providing further for the office of the Attorney General by amending Sections 36-15-1, 36-15-4.2, 36-15-5.1, 36-15-6, 36-15-10, 36-15-10.1, 36-15-11.1, 36-15-21, and 36-15-60 of the Code of Alabama 1975, relating to the duties, personnel, and certain funds of the office; providing for certain merit system positions in the office and repealing Sections 36-15-2, 36-15-4, 36-15-7, 36-15-8, 36-15-11, 36-15-18, and 36-15-20 of the Code of Alabama 1975.

TOMMY CARTER
Chairman

And the bill, H. 600, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolution, to-wit:

H.J.R. 286. CREATING THE ELMORE COUNTY 2000 COMMISSION.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolution, the title of which is set out in the foregoing Report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 679. To authorize and adopt a voluntary public-private non-profit partnership or trust agreement proposed by The Citizenship Trust; to enhance and expand citizenship education of young people; and to provide for the purposes, member parties, organization, structure, incorporation, non-profit status, powers, tax exemption from state and local taxes.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Report of the Standing Committee on Rules.

RESOLUTION

The following resolution was introduced:

By Rules Committee:

H.R. 328. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES: That immediately upon the adoption of this resolution, the following business, in the order set forth below, shall be the special and paramount order of business for the 23rd legislative day, Thursday, June 29, 1995, taking precedence over the regular order of business. Consideration of the following bills and the accompanying BIR shall be limited to a total of 10 minutes. Any bill that fails to pass within the 10-minute period will automatically revert to its position on the regular order calendar. These bills are not subject to motions to carry over temporarily or otherwise.

And the following bills:

Inst Id	Page
H. 320 - By Hill	64
Trusts, express powers of trustees provided for	
S. 314 - By Figures	105
Municipalities, maintenance of streets and roads in annexed territory, alt., Sec. 11-49-80 am'd.	
H. 344 - By Laird	11
Unemployment comp., fiscal year definition alt., Secs. 25-4-4, 25-4-16, 25-4-54, 25-4-78, 25-4-95, 25-4-120, 25-4-133, 25-4-134 am'd.	
H. 11 - By Willis (As Amended)	6
Motor vehicles, license plates issuance of, antique vehicles, definitions, penalties, fees, Sec. 40-12-290 am'd., Secs. 40-12-291, 40-12-295 repealed	
H. 197 - By Penry (As Substituted)	25
Forest products, records re purchase of unmanufactured or semimanufactured products, failure to keep or falsify, monetary fine alt., Sec. 9-13-63 am'd.	
H. 753 - By Gipson	83
Veterinary Medical Examiners, Bd. alt., duties, executive director. comp. incr., Secs. 34-29-63, 34-29-64, 34-29-65, 34-29-68, 34-29-69, 34-29-70 am'd.	

**REGULAR SESSION
23rd Day**

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H. 474 - By Johnson (R)	85
Immunization records, exchange between interested parties, good faith immunity for disclosure	
H. 700 - By Gaines	68
Uniform Commercial Code, investment securities article repealed and replaced, Article 8 of Title 7 repealed, numerous secs. am'd.	
H. 628 - By Carns (As Amended and Substituted)	100
Pornography, criminal offense of distribution or possession with intent to distribute, penalty for second or third offense, Sec. 13A-12-200.2 am'd.	
H. 640 - By Wren	84
Syphilis, requirement of premarital testing abolished, Sec. 22-11A-15 repealed	
H. 794 - By Knight (J)	102
State employees, out-of-state travel, colleges auth. to prepay, Sec. 36-7-21 am'd.	
H. 847 - By Townsend	102
Motor vehicles, person arrested for traffic offense, allowed to sign bond, persons without proper identification or driver license to be taken before magistrate for a hearing, Sec. 32-1-4 am'd.	
H. 747 - By Lindsey	86
Livestock markets, auctions, further reg., disclosure of name of purchaser, Sec. 2-15-66 am'd.	
H. 125 - By Box	45
Protection From Abuse Act, persons protected, pro se proceedings, forms, family law, Secs. 30-5-2, 30-5-5 am'd.	
H. 477 - By Hooper	20
Alcoholic beverages, requirement that spiritous liquor containers have stamps, crowns, or lids affixed, abolished, Secs. 28-3-220 to 28-3-226, inclusive, repealed	

H. 526 - By Curry

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Firefighters Annuity Fund, estab., bd. of trustees, exec. dir.

On motion of Representative Carter, the resolution, H.R. 328, was adopted.

SPECIAL ORDER CALENDAR

The House then proceeded with the consideration of the Special Order Calendar.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Hill, the Budget Isolation Resolution relating to the bill, H. 320, was adopted.

Yeas 75; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Box, Buskey, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Page, Papucci, Payne, Penry, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Smith, Spratt, Townsend, Turner, Turnham, Venable, Warren, Willis and Wren.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 662. Relating to Marion County; to amend Section 2 of Act No. 80-128, H. 603, 1980 Regular Session (Acts 1980, p. 191), to provide for the sale or disposal of property under the control of the county commission to a municipal or other governmental entity in the county without the necessity of public auction or sealed bids.

Also:

H. 665. Relating to Lauderdale County; to amend the title and Section 7 of Act No. 86-411, H. 772 of the 1986 Regular Session (Acts 1986, p. 599), relating to allocation and distribution of the lodging tax; to provide further for the allocation and distribution of the lodging tax; and to establish a tourism board.

Also:

H. 673. Relating to Lauderdale County; providing authority for a county personnel system adopted by the Lauderdale County Commission; and providing for the authority of the county to implement policies and procedures for the county, county employees, and employees of elected officials.

Also:

H. 697. Relating to Etowah County; to provide for the establishment of the "Etowah County Library Committee"; to provide that the committee would have authority to disburse funds received from a sales tax; to provide for the membership of the committee; to provide for appointments of members and filling of vacancies; to provide for the terms of the members; to provide for compensation; and to provide for staff and compensation of the staff of the committee.

Also:

H. 839. Relating to Autauga County; to levy and collect an eight mill countywide ad valorem tax and a one cent countywide sales tax for education, improvement of unpaved roads, courthouse complex facilities, volunteer fire departments, and for Prattville, Autaugaville, and Billingsley.

McDOWELL LEE
Secretary

H. 320 TAKEN UP

And the bill:

H. 320. Relating to trusts, providing further for the powers of trustees.

was taken up.

SUBSTITUTE OFFERED

Representative Hill offered the following substitute to the bill, H. 320:

A BILL
TO BE ENTITLED
AN ACT

Relating to trusts, providing further for the powers of trustees of express trusts created by trust instrument, without court authorization, in the absence of contrary provisions of the trust instrument; providing for the termination of certain small trusts by action of the trustee where the trustee determines that continued administration of the trust would be too costly; providing for certain discretionary actions that a trustee who is also a beneficiary of an express trust may not take in the absence of a specific authorization in the trust instrument; providing that if two or more persons are appointed co-trustees, acts in connection with the administration of the trust requires the concurrence of all co-trustees except in certain specified instances and except where the trust instrument otherwise provides; providing for the payment out of the trust estate of the expenses of the trustee in defending or prosecuting proceedings in good faith; providing that the provisions of the act shall apply to all trusts whether created before or after the effective date of the act but only as to decisions or actions occurring after the effective date of the act, and providing for the affirmative election by certain parties in interest to render certain provisions of the act inapplicable to trusts created before the effective date of the act; providing for the repeal of all laws or parts of laws in conflict with the act; providing that the provisions of the act are severable; and providing for an effective date.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. As used in this act, the following words and phrases have the following meanings:

(1) **AFFILIATE.** In the case of any trustee that is a corporation or other entity, any corporation or other entity controlling, controlled by or under common control with, such trustee.

(2) **BENEFICIARY.** A person who has any present or future interest, vested or contingent, in the trust; the owner of an interest by assignment or other transfer as it relates to a charitable trust; and any other person entitled to enforce the trust.

(3) **CURRENT BENEFICIARY.** A beneficiary who is currently receiving or is entitled to currently receive income or principal cash.

(4) **INDIVIDUAL TRUSTEE.** A trustee who is a natural person.

(5) **PRUDENT PERSON.** A trustee who (a) when investing, reinvesting, purchasing, acquiring, exchanging, selling and managing the trust estate acts with the care, skill, prudence and diligence required of such trustee under Section 19-3-120.2, Code of Alabama 1975, as amended, or if such statute is not applicable to the trust, under the provisions of such other applicable provision of law, and (b) in connection with other matters relating to the administration of the trust

estate, observes the standards in dealing with the trust estate that would be observed by a prudent person dealing with the property of another in view of the purposes of the trust. If a trustee has special skills or is named as trustee on the basis of representations of special skills or expertise, the trustee is under a duty to use those skills.

(6) RELATED PARTY. (a) In the case of an individual trustee, any corporation, partnership (limited or general), trust company, association or other entity with respect to which the individual trustee holds any legal or beneficial ownership as shareholder, partner or otherwise, whether or not such interest is a controlling interest and whether such interest is direct or indirect, or holds any position as director, trustee, partner, officer or otherwise that allows such trustee to participate in the management of such corporation, partnership, association or other entity, whether or not such interest is a controlling interest and whether such interest is direct or indirect.

(b) In the case of any trustee which is a trustee entity (i) any other corporation, partnership (limited or general), association, trust company or other entity in which the trustee entity holds any legal or beneficial ownership as shareholder, partner or otherwise, whether or not such interest is a controlling interest, (ii) any corporation, partnership (limited or general), association, trust company or other entity which holds any legal or beneficial ownership interest in the trustee entity as shareholder, partner or otherwise, whether or not such interest is a controlling interest and whether such interest is direct or indirect, (iii) any director, trustee, officer or employee, or person holding a similar position, of the trustee entity or any corporation, partnership (limited or general), trust company, association or other entity constituting a related party of the trustee entity, and (iv) any other corporation, partnership (limited or general), trust company, association or other entity which has any directors, trustees, officers or employees in common with the trustee entity, whether or not the interests of such directors, trustees, officers or employees constitute a controlling interest in either entity.

(7) SETTLOR. The creator of a trust.

(8) TRUST. An express trust created by a trust instrument, including a will, whereby a trustee has the duty to administer a trust estate for the benefit of named or otherwise described beneficiaries. "Trust" does not include a resulting or constructive trust, a business trust which provides for certificates to be issued to the beneficiary, a voting trust, security instrument, a trust created by the judgment or decree of a court (unless this act is specifically incorporated by reference), a liquidation trust, a trust for the primary purpose of paying salaries, wages, pensions, or employee benefits of any kind, a trust under an indenture of trust or similar document created by a public or private entity in connection with the issuance and/or sale of any obligations of such entity or to secure any such obligations, an instrument wherein a person is a nominee or an escrowee for another, or a trust created in deposits in any financial institution.

(9) **TRUSTEE.** An original, added or successor trustee and co-trustees where applicable; in the case of a trustee which is a trustee entity, includes its successor by merger, consolidation, or other reorganization.

(10) **TRUSTEE ENTITY.** Any trustee which is a corporation (including without limitation any banking corporation), partnership (limited or general), association, trust company, national banking association, savings bank or other entity and which is authorized to engage in trust business in this state.

Section 2. From the creation of the trust until final distribution of the assets from the trust, a trustee may, without prior court authorization, perform every act that a prudent person would perform for the purpose of the trust, including but not limited to, the powers specified in this act.

Section 3. Unless otherwise expressly limited in the trust instrument, or by an order of court, a trustee may, acting as a prudent person would in light of the purpose of the trust, perform any or all of the following acts:

(1) Receive (subject to the trustee's approval), collect, hold and retain for such time as the trustee shall deem advisable, property, real or personal, including property in which the trustee or any related party is personally interested. The trustee is specifically authorized to receive, collect, hold, and retain common or preferred stock or other interest in the trustee or any related party. In the absence of an express provision to the contrary in a trust instrument, a trustee may without liability continue to hold property received into an account at its inception or subsequently added to it or acquired pursuant to proper authority if and as long as the trustee, in the exercise of good faith and of reasonable prudence, may consider that retention to be in the best interest of the account or in furtherance of the purposes of the trust. Such property may include, among other things, stock in the trustee if a trustee entity, and stock in any related party;

(2) Sell, purchase, exchange, execute options for, partition, or otherwise dispose of or acquire, any property or interest therein which the trustee may hold from time to time, at public or private sale or otherwise, including such transactions with or involving any related party as principal or agent, upon such terms and conditions, including credit, and for such consideration as the trustee shall deem advisable, including reasonable compensation for any such related party, and to transfer and convey the property or interest therein which is at the disposal of the trustee, in fee simple absolute or otherwise free of all trust; provided that the trustee or the related party discloses to the current beneficiary in any reasonable manner (including by confirmation, account statement, prospectus, or otherwise) the terms of the transaction, including any fee paid to the related party. For purposes of the immediately preceding sentence, compensation charged by or paid to a related party shall be conclusively presumed to be reasonable if such compensation is consistent with any standard fee table maintained by the related party in the ordinary course of business;

(3) Invest and reinvest the trust assets in securities, investments and other property which are authorized as investments for trust assets under Section 19-3-120, Code of Alabama 1975, as amended, or under any other applicable statute or law, and, in addition to such securities, investments and other property, to invest and reinvest the trust assets in any and all other kinds of securities, investments and other property, without regard to type or classification, subject only to compliance in connection with the selection of such securities, investments and other investments with the standards of prudence applicable under Section 19-3-120.2, Code of Alabama 1975, as amended, or if such statute is not applicable to the trust, under the provisions of such other applicable provision of law. Nothing contained in this act shall, insofar as such authorization may be prohibited by the Constitution of this state, authorize the investment of trust assets in the stock of any private corporation;

(4) Continue or participate in the operation of any business or other enterprise in which the trust owns an interest and to effect incorporation, dissolution, or other change in the form of the organization of the business or enterprise;

(5) Acquire or dispose of an asset for cash or on credit at a public or private sale; manage, develop, improve, exchange, partition, change the character of, or abandon a trust asset or any interest in it; encumber, mortgage, or pledge a trust asset for a term within or extending beyond the term of the trust in connection with the exercise of any power vested in the trustee;

(6) Make ordinary or extraordinary repairs or alterations in buildings or other structures; demolish any improvements; or raze existing or erect new party walls or buildings;

(7) Subdivide, develop, or dedicate land to public use; make or obtain the vacation of plats and adjust boundaries; adjust differences in valuation on exchange or partition by giving or receiving consideration; or dedicate easements to public use without consideration;

(8) Enter for any purpose into a lease as lessor or lessee with or without option to purchase or renew for a term within or extending beyond the term of the trust;

(9) Enter into a lease or arrangement for exploration and removal of minerals or other natural resources or enter into a pooling or unitization agreement;

(10) Grant an option involving disposition of a trust asset or take an option for the acquisition of any asset;

(11) Pay from income or principal, as determined in accordance with the provisions of Article 12 of Chapter 3 of Title 19 of the Code of Alabama 1975, as amended, or other applicable provisions of law, any and all expenses reasonably necessary for the administration of the trust including interest, taxes, insurance

premiums, assessments, agents' fees or compensation, trustees' fees or compensation, including additional fees for extraordinary services and, fees to related parties, and other expenses incurred in the collection, care, administration, and protection of the trust estate;

(12) Receive additional property from any source and to administer the additional property as a portion of the appropriate trust estate under the management of the trustee, provided that the trustee shall not be required to receive additional property without the trustee's consent;

(13) Deposit funds in a bank or other financial institution, including in a separate department of the trustee or in any related party;

(14) Borrow money for such periods of time and upon such terms and conditions as to rates, maturities, renewals, and security as the trustee shall deem advisable, including the power to borrow from any related party, for the purpose of paying debts, taxes, or other charges against the trust or any part thereof, for the purchase of any authorized asset, for the operation of any business enterprise, or for any other need to achieve the purpose of the trust, in any form; and to mortgage, pledge, or otherwise encumber such portion of the trust estate as may be required to secure the loan or loans; and to renew existing loans;

(15) Make advances for the benefit or protection of the trust and for any or all expenses, losses and liabilities sustained in the administration of the trust or as a result of the holding or ownership of any asset by the trust, for which advances the trustee shall be entitled to receive interest at any commercially reasonable rate of interest set by the trustee and which advances, together with interest, shall constitute a lien on the trust assets as against the beneficiaries;

(16) Vote shares of stock or other securities, in person or by special, limited, or general proxy, with or without power of substitution, or to determine to not vote such shares of stock or other securities;

(17) Hold any security at a qualified depository in the name of a nominee or in other form without disclosure of the fiduciary relationship, so that title to the security may pass by delivery; but the trustee shall be liable for any act of the nominee in connection with the security so held;

(18) Exercise all options, rights, and privileges to convert stocks, bonds, debentures, notes, mortgages, or other property into other stocks, bonds, debentures, notes, mortgages, or other property, and to subscribe for other or additional stocks, bonds, debentures, notes, mortgages, or other property so acquired as investments of the trust so long as the trustee shall deem advisable;

(19) Unite with other owners of property in carrying out any plans for the consolidation or merger, dissolution or liquidation, foreclosure, lease, or sale of the property or the incorporation or re-incorporation, reorganization or readjustment of the capital or financial structure of any corporation, partnership, company, or

association, the securities of which may form any portion of the trust estate; to become and serve as a member of a stockholders' or bondholders' protective committee; to deposit securities in accordance with any plan agreed upon; to pay any assessments, expenses, or sums of money that may be required for the protection or furtherance of the interest of the beneficiaries of any trust with reference to any such plan; and to receive as investments of a trust any securities issued as a result of the execution of such plan;

(20) Modify the interest rate from time to time on any obligation, whether secured or unsecured, constituting a part of any trust;

(21) Continue any obligation, whether secured or unsecured, upon and after maturity, with or without renewal or extension, upon such terms as the trustee shall deem advisable, without regard to the value of the security, if any, at the time of the continuance;

(22) Effect a fair and reasonable compromise with any debtor or obligor, or extend, renew, or in any manner modify the terms of any obligation owing to the estate. If the trustee holds a mortgage, pledge, or other lien upon property of another person, the trustee may, in lieu of foreclosure, accept a conveyance or transfer of encumbered assets from the owner thereof in satisfaction of the indebtedness secured by the lien;

(23) Carry such insurance coverage, including public liability, for such hazards and in such amounts, either in stock companies or in mutual companies, as the trustee shall deem advisable in connection with holding and administering the trust estate, including to insure the trust assets and to insure the trustee against liability, and to pay the premiums for such insurance;

(24) In the discretion of the trustee, resign as trustee by giving not less than thirty days' written notice to the adult current beneficiaries, or if none then a court of competent jurisdiction, who shall appoint the successor trustee. If no successor is appointed by the adult current beneficiaries within the thirty-day notice period, the trustee may petition a court of competent jurisdiction to appoint a successor trustee. The successor trustee shall not be liable for the actions or inactions of any prior trustee;

(25) Institute and defend any and all suits or legal proceedings related to said trust estate, in any jurisdiction; and to employ counsel, expert witnesses or other agents; and to compromise, adjust, submit to arbitration, bring or defend actions on, abandon, or otherwise deal with and settle any dispute or claim in favor of or against the trust estate as the trustee shall deem advisable (the trustee's decision shall be conclusive between the trustee and the beneficiaries of the trust and the person against or for whom the dispute or claim is asserted, in the absence of fraud by such persons, and, in the absence of fraud, bad faith, or gross negligence of the trustee, shall be conclusive between the trustee and the beneficiaries of the trust);

(26) Employ and compensate, out of income or principal, or both, and in such proportion as the trustee shall deem advisable (subject to any applicable requirements of Article 12 of Chapter 3 of Title 19 of the Code of Alabama, 1975, as amended), persons deemed by the trustee needful to advise or assist in the proper management and administration of the trust, including, but not limited to, agents, auditors (including public accountants, certified public accountants or internal auditors), brokers, attorneys-at-law, attorneys-in-fact, investment bankers, investment advisors, rental agents, realtors, appraisers, and tax specialists (including any related party, so long as the relationship and the fees charged are reasonable and disclosed in any reasonable manner to the current beneficiaries); and to do so without liability for any neglect, omission, misconduct, or default of the agent or representative, provided the trustee acted as a prudent person in selecting and monitoring the agent or representative. For purposes of the immediately preceding sentence, compensation charged by or paid to a related party shall be conclusively presumed to be reasonable if such compensation is consistent with any standard fee table maintained by the related party in the ordinary course of business;

(27) Acquire, receive, hold, and retain undivided the principal of several trusts created by a single instrument until division shall become necessary in order to make distributions; to hold, manage, invest, reinvest, and account for the several shares or parts of shares by appropriate entries in the trustee's books of account and to allocate to each share or part of share its proportionate part of all receipts and expenses; provided, however, that this paragraph shall not defer the vesting in possession of any share or part of share of the trust estate;

(28) Make distribution of principal assets of the trust in kind or in cash, or partially in kind and partially in cash, in divided or undivided interests, as the trustee finds to be most practicable and for the best interests of the distributees, and the trustee may distribute types of assets differently among the distributees; and to determine the value of principal assets for the purpose of making distribution thereof if and when there is more than one distributee thereof, which determination shall be binding upon the distributees unless clearly capricious, erroneous, and inequitable;

(29) Make payments in money, or in property in lieu of money, to or for the benefit of a minor or incompetent in any one or more of the following ways:

(a) Directly to the minor or incompetent;

(b) Directly in payment for the support, care, maintenance, education, and medical, surgical, hospital, or other institutional care of the minor or incompetent;

(c) To the legal or natural guardian of the minor or incompetent; or

(d) To any other person, whether or not appointed guardian of the person by any court, who shall, in fact, have the care and custody of the person of the minor or incompetent. The trustee shall not be under any duty to see to the

application of the payments so made if the trustee acted as a prudent person in the selection of the person, including the minor or incompetent, to whom the payments were made; and the receipt of the person shall be full acquittance to the trustee;

(30) Allocate items of income or expense to either trust income or principal, as determined in accordance with the provisions of Article 12 of Chapter 3 of Title 19 of the Code of Alabama 1975, as amended, or other applicable provisions of law, including creation of proper and reasonable reserves for taxes, assessments, insurance premiums, depreciation, obsolescence or amortization, depletion in minerals or timber properties, repairs, improvements, and general maintenance of buildings or other property; and

(31) Make contracts and to execute deeds and instruments, under seal or otherwise, as may be necessary in the exercise of the powers granted in this act.

Section 4. If a trustee has determined that the market value of a trust is less than twenty five thousand dollars (\$25,000.00) and that, relative to the cost of administrating the trust, continuance pursuant to its existing terms will defeat or substantially impair the accomplishment of its purposes, the trustee may terminate the trust and distribute the trust property, including principal and undistributed income to the beneficiaries in a manner which conforms as nearly as possible with the intent of the settlor. The trustee may enter into agreements or make other provisions necessary or appropriate to protect the interest of the beneficiaries and the trustee to carry out the intent and purpose of the trust. This section shall apply to all trusts, without regard to the dispositive provisions of the trust instrument, unless the trust instrument expressly provides that the trustee may not terminate the trust pursuant to this section.

Section 5. (1) Due to the inherent conflict of interest that exists when a trustee is also a beneficiary, unless the terms of a trust refer specifically to this section and provide to the contrary, a trustee shall not perform any of the following on behalf of or for the benefit of a beneficiary who is also a trustee:

(a) Make discretionary distributions of either principal or income for the benefit of the trustee, except to provide for the health, education, maintenance, or support of the trustee as described under Internal Revenue Code Sections 2041 and 2514, as amended.

(b) Make discretionary allocations of receipts or expenses as between principal and income, unless the trustee has no power to enlarge or shift any beneficial interest except as an incidental consequence of the discharge of the fiduciary duties of the trustee.

(c) Make discretionary distributions of either principal or income to satisfy any legal or support obligations of the trustee. Nothing in this section shall be construed as a general power of appointment for any trustee.

(2) Any of the proscribed powers enumerated in this section that are conferred upon two or more trustees may be exercised by the trustees who are not beneficiaries of the trust. If there is no trustee who is not a beneficiary, any party in interest, as defined in subsection (4) below, may apply to a court of competent jurisdiction to appoint an independent trustee and the power may be exercised by the independent trustee appointed by the court.

(3) A person who has the right to remove or to replace a trustee does not possess nor may that person be deemed to possess, by virtue of having that right, the powers of the trustee that is subject to removal or to replacement.

(4) For purposes of this act, the parties in interest of a trust shall include any of the following:

(a) If the trust is revocable or amendable and the settlor is not incapacitated, the party in interest is the settlor.

(b) If the trust is revocable or amendable and the settlor is incapacitated, the party in interest is the legal representative of the settlor under applicable law or the donee of the settlor under a durable power of attorney that is sufficient to grant the authority.

(c) If the trust is not revocable or amendable, the parties in interest are any of the following:

i. Each trustee then serving;

ii. Each current beneficiary then in existence or, if any current beneficiary has not attained majority or is otherwise incapacitated, the legal representative of the current beneficiary under applicable law or the donee of the current beneficiary under a durable power of attorney that is sufficient to grant the authority; and

iii. Each remainder beneficiary then in existence or, if any remainder beneficiary has not attained majority or is otherwise incapacitated, the legal representative of the beneficiary under applicable law or the donee of the beneficiary under a durable power of attorney that is sufficient to grant the authority.

Section 6. If two or more persons are appointed co-trustees and unless the trust instrument provides otherwise, the concurrence of all is required on all acts connected with the administration of the trust. This restriction does not apply:

(1) When any co-trustee receives and receipts for property due the trust,

(2) When the concurrence of all cannot readily be obtained in time reasonably available for emergency action necessary to preserve the trust estate, or

(3) When a co-trustee has been delegated to act for the others.

Section 7. If any trustee defends or prosecutes any proceeding in good faith, whether successful or not, the trustee is entitled to receive from the trust estate reasonable expenses and disbursements, including, but not limited to, attorneys' fees incurred.

Section 8. The provisions of this act shall apply to all trusts existing on the effective date of this act and all trusts created after the effective date of this act. As applied to trusts existing on the effective date of this act, this act governs only decisions or actions occurring after the effective date of this act. Notwithstanding the provisions of this section, the provisions of Section 5 of this act shall not apply to trusts created under a document executed before the effective date of this act in either of the following circumstances:

a. If the trust is revocable or amendable, the settlor revokes or amends the trust at any time to provide that the trust shall not be subject to this section.

b. If the trust is irrevocable, all parties in interest, as defined in subsection (4)(c) of Section 5 of this act, elect affirmatively not to be subject to the application of this section, through a written declaration executed in the manner prescribed for the recordation of deeds in this state and delivered to the trustee. The election shall be made on or before the later of three years after the effective date of this act, or three years after the date on which the trust becomes irrevocable. Prior to the effectiveness of any timely election by the parties in interest of a trust not to be subject to the provisions of Section 5 of this act, the provisions of said Section 5, to the extent otherwise applicable, shall continue to apply to the trust.

Section 9. Nothing contained in this act shall be construed to abrogate any right, authority, or discretion which a trustee would have under the terms of the trust instrument, by law or otherwise in the absence of this act, including without limitation, the following provisions of the Code of Alabama 1975, as amended, Section 5-11A-12, Article 2 of Chapter 11A of Title 5, Sections 19-3-11, 19-3-120.1, 19-3-120.2, Article 12 of Chapter 3 of Title 19, and Chapter 4A of Title 19.

Section 10. All laws or parts of laws which conflict with this act are repealed.

Section 11. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 12. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 79; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Box, Boyd, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Houston, Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, McAdory, McClammy, McDaniel, McKee, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Page, Papucci, Payne, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Townsend, Turner, Turnham, Vance, Warren, Willis and Wren.

-79

And the bill:

H. 320. Relating to trusts, providing further for the powers of trustees of express trusts created by trust instrument, without court authorization, in the absence of contrary provisions of the trust instrument; providing for the termination of certain small trusts by action of the trustee where the trustee determines that continued administration of the trust would be too costly; providing for certain discretionary actions that a trustee who is also a beneficiary of an express trust may not take in the absence of a specific authorization in the trust instrument; providing that if two or more persons are appointed co-trustees, acts in connection with the administration of the trust requires the concurrence of all co-trustees except in certain specified instances and except where the trust instrument otherwise provides; providing for the payment out of the trust estate of the expenses of the trustee in defending or prosecuting proceedings in good faith; providing that the provisions of the act shall apply to all trusts whether created before or after the effective date of the act but only as to decisions or actions occurring after the effective date of the act, and providing for the affirmative election by certain parties in interest to render certain provisions of the act inapplicable to trusts created before the effective date of the act; providing for the repeal of all laws or parts of laws in conflict with the act; providing that the provisions of the act are severable; and providing for an effective date.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 73; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Box, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Dean, Dolbare, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett,

Haney, Hawk, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Houston, Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, McAdory, McClammy, McDaniel, McKee, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Page, Papucci, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-73

MOTION TO RECONSIDER ADOPTED

Having voted on the prevailing side, Representative Hill offered the motion to reconsider the vote by which the bill, H. 320, as amended, was passed, and the motion to reconsider was adopted.

And the bill, H. 320, as amended, was again taken up.

S. 260 SUBSTITUTED FOR H. 320

In accordance with House Rule 20 and on motion of Representative Hill, the bill, S. 260, was substituted for the bill, H. 320, as amended.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Hill, the Budget Isolation Resolution relating to the bill, S. 260, was adopted.

Yeas 83; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Box, Boyd, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrow, Morton, Murphree, Page, Papucci, Payne, Penry, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-83

And the bill:

S. 260. Relating to trusts, providing further for the powers of trustees of express trusts created by trust instrument, without court authorization, in the absence of contrary provisions of the trust instrument; providing for the termination of certain small trusts by action of the trustee where the trustee determines that continued administration of the trust would be too costly; providing for certain discretionary actions that a trustee who is also a beneficiary of an express trust may not take in the absence of a specific authorization in the trust instrument; providing that if two or more persons are appointed co-trustees, acts in connection with the administration of the trust requires the concurrence of all co-trustees except in certain specified instances and except where the trust instrument otherwise provides; providing for the payment out of the trust estate of the expenses of the trustee in defending or prosecuting proceedings in good faith; providing that the provisions of the act shall apply to all trusts whether created before or after the effective date of the act but only as to decisions or actions occurring after the effective date of the act, and providing for the affirmative election by certain parties in interest to render certain provisions of the act inapplicable to trusts created before the effective date of the act; providing for the repeal of all laws or parts of laws in conflict with the act; providing that the provisions of the act are severable; and providing for an effective date.

was read a third time at length and passed.

Yeas 82; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Box, Boyd, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrow, Morton, Page, Papucci, Payne, Penry, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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H. 320 INDEFINITELY POSTPONED

On motion of Representative Hill, the bill, H. 320, as amended, was indefinitely postponed.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Box, the Budget Isolation Resolution relating to the bill, S. 314, was adopted.

Yeas 77; Nays 0.

Yea:

Mr. Speaker, Black (M), Box, Boyd, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Dean, Dolbare, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Mitchell, Morrison, Morrow, Morton, Murphree, Page, Papucci, Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-77

And the bill:

S. 314. To amend Section 11-49-80, Code of Alabama 1975, to provide that the annexation of unincorporated territory into a municipality, after the effective date of this act, shall result in the municipality assuming responsibility to control, manage, supervise, regulate, repair, maintain, and improve all public streets or parts thereof lying within the territory annexed, under certain conditions; to provide that nothing contained within the bill shall require a municipality to assume responsibility to control, manage, supervise, regulate, repair, maintain, or improve any street or part thereof located within the territory annexed which was not being controlled, managed, supervised, regulated, repaired, maintained, and improved by the county prior to the effective date of the annexation, with certain exceptions; to provide that the responsibility for the control, management, supervision, regulation, repair, maintenance, or improvement of public streets or parts thereof lying within the corporate limits of an incorporated municipality on the effective date of this act shall remain the responsibility of the entity responsible for such public streets or parts thereof on the effective date of this act; and to authorize a county and municipality to enter into a mutual agreement providing for an alternative arrangement for the control, management, supervision, regulation, repair, maintenance, or improvement of public streets or parts thereof lying within the corporate limits of an incorporated municipality.

was read a third time at length and passed.

Yeas 82; Nays 2.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Box, Boyd, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Letson, Lindsey, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Payne, Penry, Petelos, Pringle, Reed, Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Willis.

-82

Nay:

Representatives McKee and Seibenhener.

- 2

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Laird, the Budget Isolation Resolution relating to the bill, H. 344, was adopted.

Yeas 76; Nays 1.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Box, Boyd, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawk, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Houston, Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Letson, Lindsey, McAdory, McClammy, McDaniel, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Petelos, Pringle, Reed, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-76

Nay:

Representative Payne.

- 1

S. 275 SUBSTITUTED FOR H. 344

In accordance with House Rule 20 and on motion of Representative Laird, the bill, S. 275, was substituted for the bill, H. 344.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Laird, the Budget Isolation Resolution relating to the bill, S. 275, was adopted.

Yeas 84; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Box, Boyd, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Fuller, Gaines, Gaston, Gipson, Guin, Hall (A), Hamilton, Haney, Hawk, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Houston, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Payne, Penry, Petelos, Pringle, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-84

And the bill:

S. 275. To amend Sections 25-4-4, 25-4-16, 25-4-54, 25-4-78, 25-4-95, 25-4-120, 25-4-133, and 25-4-134, Code of Alabama 1975, to provide further for the fiscal year, the definition of wages, penalties on certain delinquent employers, disqualifications for unemployment compensation benefits, filing for judicial review of decisions by boards of appeal, offsets to recover overpayment, penalties on employers delinquent in filing certain reports, and limitations on certain actions and to provide for certain retroactive effect.

was read a third time at length and passed.

Yeas 87; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Box, Boyd, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hill, Hilliard, Hinshaw, Hogan,

Holmes, Houston, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Payne, Penry, Petelos, Pringle, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, White, Willis and Wren.

-87

H. 344 INDEFINITELY POSTPONED

On motion of Representative Laird, the bill, H. 344, was indefinitely postponed.

H. 11 TAKEN UP

And the bill:

H. 11. (With Amendments): To amend Section 40-12-290 of the Code of Alabama 1975, relating to the issuance of antique vehicle license plates or tags by the Commissioner of Revenue, to provide for the issuance of permanent antique vehicle license plates by the judge of probate of each county, to increase the fee for license plates or tags, to provide for definitions, and to specify the size and description of the license plates; to provide for penalties for certain uses of antique vehicles; and to specifically repeal Sections 40-12-291 and 40-12-295 of the Code of Alabama 1975.

was taken up.

SUBSTITUTE OFFERED

Representative Willis offered the following substitute to the bill, H. 11, and to the pending amendments reported by the Standing Committee on Ways and Means:

A BILL TO BE ENTITLED AN ACT

Relating to motor vehicles; to amend Sections 40-12-290, 40-12-291, and 40-12-296 of the Code of Alabama 1975; to provide for the issuance of a five year vintage license plate or tag only for those vehicles operated as a collector's item; to define a vintage vehicle; to increase the fee; to prescribe penalties for violating this act; to delete the provision that the plate or tag is valid without renewal; to

provide for the distribution of proceeds from the registration of vintage vehicles and from the registration of other vehicles that are more than 25 years old; and to specify further the design of the plate or tag.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 40-12-290, 40-12-291, and 40-12-296 of the Code of Alabama of 1975, are amended to read as follows:

"§40-12-290.

"(a) Subject to the requirements of subsections (b), (c), (d), and (e), the owner of any a motor vehicle which is more than 25 years old and which is owned and operated primarily as a collector's item, upon application to the Commissioner of Revenue of the State of Alabama on special application forms prescribed by the commissioner and the payment of a registration fee of \$10 twenty-five dollars (\$25), may register such the vehicle as an a "antique vintage vehicle" and procure therefor permanent license plates or tags to be issued for and displayed on such vehicle in lieu of regular motor vehicle license plates or tags.

"(b) Beginning January 1, 1996, the owner of a vintage vehicle which is owned and operated primarily as a collector's item may, upon satisfying the requirements of this subsection, register the vehicle as a "vintage vehicle." The owner shall apply to the judge of probate or other county official authorized and required by law to issue license plates and tags. The owner shall use the special application form prescribed by the Commissioner of Revenue and shall pay a registration fee of twenty-five dollars (\$25). Upon satisfying these requirements, permanent vintage vehicle license plates or tags shall be issued and displayed on the vehicle in lieu of a regular motor vehicle license plate or tag. The license plate or tag shall be valid for a period of five years from the date of purchase and shall be renewed as provided in subsection (c).

"(c)(1) The Commissioner of Revenue shall prescribe a special application form for the renewal of the vintage license plate or tag. The form may require that the appropriate official be authorized to conduct a visual inspection of the vintage vehicle. A renewed vintage license plate or tag shall be valid for five years from the date of renewal and shall require the payment of a renewal fee of twenty-five dollars (\$25). The owner of the vintage vehicle shall be issued a validation decal which shall be displayed on the license plate or tag of the vehicle.

"(2) This section shall not be construed to prohibit the issuance of a vintage vehicle license plate or tag by mail, when otherwise authorized by law. If a visual inspection is required of a vintage vehicle owned by a person requesting plates or tags by mail, the inspection shall be at the location designated by the owner of the vehicle.

"(d) For the purpose of this section, a vintage vehicle is a motor vehicle over 25 years old with a correct engine and body of that era which is used for participation in club activities, exhibits, tours, parades, and similar uses as a

collector's item, but is in no event used for general transportation. For purposes of this section, a motor vehicle shall have the meaning specified in Section 40-12-240. Any person operating a vintage vehicle or motorcycle for general transportation purposes which has not been restored shall renew the vintage license plate or tag annually.

"(e)(1) Effective January 1, 1996, it shall be unlawful for any person to operate, on the public highways of this state, a vehicle based in this state and displaying a vintage motor vehicle plate or tag not in compliance with subsections (b), (c), and (d).

"(2) Any person violating this section shall, upon conviction, pay a fine of not less than one hundred dollars (\$100), shall forfeit the vintage vehicle registration and plates issued to the person for the respective vehicle, shall be liable for the regular registration fee and taxes for the vehicle, and shall be barred from applying for or holding a vintage vehicle registration for three years from the date of the violation. This penalty shall be in lieu of any other penalty specified in this chapter for this offense.

"§40-12-291.

"Antique Vintage vehicle" license plates or tags shall be of such size and design as the Commissioner of Revenue may prescribe, shall bear no date, shall have inscribed thereon the words "antique vintage vehicle" and run in a numerical series commencing with "antique vintage vehicle No. 1," and shall be of a color different from regular motor vehicle license plates or tags and shall be valid without renewal. The plates or tags shall be of an appropriate size for the type of vehicle on which it is placed."

"§40-12-296.

"Any other law to the contrary notwithstanding, All all moneys derived from the registration and licensing of antique vintage motor vehicles and from the registration and licensing of other vehicles that are more than 25 years old shall be distributed as follows:

"(1) Two and one-half percent for the administrative costs of the judge of probate (or to the county general fund if the judge of probate is not on the fee system).

"(2) Five percent to the Public Road and Bridge Fund, with as much as required to be appropriated by the Legislature to the Department of Revenue for administrative expenses related to this tax and tag costs.

(3) The remainder shall be distributed as follows:

"a. Seventy-two percent to the State General Fund to be used by the

Department of Public Safety for the cost of traffic regulation, and for the expense of enforcing state traffic and motor vehicle laws.

"b. Twenty-one percent as provided for in Section 40-12-270 (a)(2)b.

"c. Seven percent as provided for in Section 40-12-270 (a)(2)c shall be paid into the same fund in the State Treasury that moneys derived from regular motor vehicle license taxes are paid. Such moneys may be used for the same purposes and disbursed in the same manner prescribed for moneys derived from regular motor vehicle license taxes."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 81; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Box, Boyd, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Hawk, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Payne, Penry, Petelos, Pringle, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-81

S. 29 SUBSTITUTED FOR H. 11

In accordance with House Rule 20 and on motion of Representative Willis, the bill, S. 29, was substituted for the bill, H. 11, as amended.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Willis, the Budget Isolation Resolution relating to the bill, S. 29, was adopted.

Yeas 73; Nays 5.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Boyd, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (L), Hamilton, Hammett, Haney, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Layson, Letson, Lindsey, McAdory, McClammy, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Penry, Petelos, Pringle, Reed, Rogers (M), Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, Warren, Willis and Wren.

-73

Nay:

Representatives Hall (A), McKee, Morrow, Payne and White.

- 5

And the bill:

S. 29. (With Substitute): Relating to motor vehicles; to amend Sections 40-12-290, 40-12-291 and 40-12-296 of the Code of Alabama 1975; to provide for the issuance of a one-year antique license plate or tag only for those vehicles operated as a collector's item; to define an antique vehicle; to increase the fee; to prescribe penalties for violating this act; to delete the provision that the plate or tag is valid without renewal; to provide for the distribution of proceeds from the registration of antique vehicles and from the registration of other vehicles that are more than 25 years old; and to specify further the design of the plate or tag.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

Relating to motor vehicles; to amend Sections 40-12-290, 40-12-291, and 40-12-296 of the Code of Alabama 1975; to provide for the issuance of a five year vintage license plate or tag only for those vehicles operated as a collector's item; to define a vintage vehicle; to increase the fee; to prescribe penalties for violating this act; to delete the provision that the plate or tag is valid without renewal; to provide for the distribution of proceeds from the registration of vintage vehicles

and from the registration of other vehicles that are more than 25 years old; and to specify further the design of the plate or tag.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 40-12-290, 40-12-291, and 40-12-296 of the Code of Alabama of 1975, are amended to read as follows:

"§40-12-290.

"(a) Subject to the requirements of subsections (b), (c), (d), and (e), the owner of ~~any~~ a motor vehicle which is more than 25 years old and which is owned and operated primarily as a collector's item, upon application to the Commissioner of Revenue of the State of Alabama on special application forms prescribed by the commissioner and the payment of a registration fee of ~~\$10~~ twenty-five dollars (\$25), may register such the vehicle as an a "antique vintage vehicle" and procure therefor permanent license plates or tags to be issued for and displayed on such vehicle in lieu of regular motor vehicle license plates or tags.

"(b) Beginning January 1, 1996, the owner of a vintage vehicle which is owned and operated primarily as a collector's item may, upon satisfying the requirements of this subsection, register the vehicle as a "vintage vehicle." The owner shall apply to the judge of probate or other county official authorized and required by law to issue license plates and tags. The owner shall use the special application form prescribed by the Commissioner of Revenue and shall pay a registration fee of twenty-five dollars (\$25). Upon satisfying these requirements, permanent vintage vehicle license plates or tags shall be issued and displayed on the vehicle in lieu of a regular motor vehicle license plate or tag. The license plate or tag shall be valid for a period of five years from the date of purchase and shall be renewed as provided in subsection (c).

"(c)(1) The Commissioner of Revenue shall prescribe a special application form for the renewal of the vintage license plate or tag. The form may require that the appropriate official be authorized to conduct a visual inspection of the vintage vehicle. A renewed vintage license plate or tag shall be valid for five years from the date of renewal and shall require the payment of a renewal fee of twenty-five dollars (\$25). The owner of the vintage vehicle shall be issued a validation decal which shall be displayed on the license plate or tag of the vehicle.

"(2) This section shall not be construed to prohibit the issuance of a vintage vehicle license plate or tag by mail, when otherwise authorized by law. If a visual inspection is required of a vintage vehicle owned by a person requesting plates or tags by mail, the inspection shall be at the location designated by the owner of the vehicle.

"(d) For the purpose of this section, a vintage vehicle is a motor vehicle over 25 years old with a correct engine and body of that era which is used for participation in club activities, exhibits, tours, parades, and similar uses as a collector's item, but is in no event used for general transportation. For purposes of

this section, a motor vehicle shall have the meaning specified in Section 40-12-240. Any person operating a vintage vehicle or motorcycle for general transportation purposes which has not been restored shall renew the vintage license plate or tag annually.

"(e)(1) Effective January 1, 1996, it shall be unlawful for any person to operate, on the public highways of this state, a vehicle based in this state and displaying a vintage motor vehicle plate or tag not in compliance with subsections (b), (c), and (d).

"(2) Any person violating this section shall, upon conviction, pay a fine of not less than one hundred dollars (\$100), shall forfeit the vintage vehicle registration and plates issued to the person for the respective vehicle, shall be liable for the regular registration fee and taxes for the vehicle, and shall be barred from applying for or holding a vintage vehicle registration for three years from the date of the violation. This penalty shall be in lieu of any other penalty specified in this chapter for this offense.

"§40-12-291.

"Antique Vintage vehicle" license plates or tags shall be of such size and design as the Commissioner of Revenue may prescribe, shall bear no date, shall have inscribed thereon the words "antique vintage vehicle" and run in a numerical series commencing with "antique vintage vehicle No. 1," and shall be of a color different from regular motor vehicle license plates or tags and shall be valid without renewal. The plates or tags shall be of an appropriate size for the type of vehicle on which it is placed."

"§40-12-296.

"Any other law to the contrary notwithstanding, All all moneys derived from the registration and licensing of antique vintage motor vehicles and from the registration and licensing of other vehicles that are more than 25 years old shall be distributed as follows:

"(1) Two and one-half percent for the administrative costs of the judge of probate (or to the county general fund if the judge of probate is not on the fee system).

"(2) Five percent to the Public Road and Bridge Fund, with as much as required to be appropriated by the Legislature to the Department of Revenue for administrative expenses related to this tax and tag costs.

(3) The remainder shall be distributed as follows:

"a. Seventy-two percent to the State General Fund to be used by the Department of Public Safety for the cost of traffic regulation, and for the expense of enforcing state traffic and motor vehicle laws.

"b. Twenty-one percent as provided for in Section 40-12-270 (a)(2)b.

"c. Seven percent as provided for in Section 40-12-270 (a)(2)c shall be paid into the same fund in the State Treasury that moneys derived from regular motor vehicle license taxes are paid. Such moneys may be used for the same purposes and disbursed in the same manner prescribed for moneys derived from regular motor vehicle license taxes."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 83; Nays 1.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Box, Boyd, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Houston, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Page, Papucci, Parker (P), Payne, Penry, Petelos, Pringle, Reed, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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Nay:

Representative McKee.

- 1

AMENDMENT OFFERED

Representative Johnson (E) offered the following amendment to the bill, S. 29, as amended:

Amend Senate Bill 29 as substituted on page 1, after line 23 by inserting the following:

"This bill also makes certain provisions for vehicles 50 years old or older."

Further amend the bill on page 2, line 23 after the word "fee;" by inserting the following: "to make certain provisions for vehicles 50 years old or older;"

Further amend the bill on page 7 after line 6 by inserting the following: "Notwithstanding the foregoing the owner of any motor vehicle which is 50 years old or older, upon application to the Commissioner of Revenue of the State of Alabama on special forms prescribed by the commissioner and payment of a registration fee of \$10, may procure therefor permanent license plates or tags to be issued for and displayed on such vehicle in lieu of regular motor vehicle license plates or tags."

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 85; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Boyd, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Dean, Dolbare, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Page, Papucci, Parker (P), Payne, Penry, Pringle, Reed, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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And the bill, S. 29, as amended, was read a third time at length and passed.

Yeas 73; Nays 9.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Boyd, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hill, Hilliard, Hogan, Holmes, Houston, Johnson (E), Jorgensen, Knight (A), Layson, Letson, Lindsey, McAdory,

McClammy, McDaniel, McMillan, Melton, Minnifield, Mitchell, Moore, Morrison, Morton, Murphree, Papucci, Parker (P), Penry, Petelos, Pringle, Reed, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Townsend, Turnham, Vance, Venable, Willis and Wren.

-73

Nay:

Representatives Box, McKee, Millican, Morrow, Newton (C), Page, Payne, Turner and White.

- 9

REPORT OF CONFERENCE COMMITTEE

We, the Committee on Conference, appointed to reconcile the differences of the two houses concerning House Bill 233, have met in conference and have agreed to accept the attached substitute which is made a part of this report as is fully set out herein.

BILL FULLER
JOHNNY CURRY

Conferees on the Part of the House

LOWELL BARRON
HANK SANDERS
DEWAYNE FREEMAN

Conferees on the Part of the Senate

A BILL
TO BE ENTITLED
AN ACT

To provide for a FY 1994-95 supplemental General Fund appropriation in the amount of \$13,750,000 to various state agencies; to reduce the FY 1994-95 General Fund appropriation to various state agencies by \$2,817,433; to remove an earmarking of \$300,000 for Department of Corrections; to provide for a supplemental appropriation to the Department of Corrections for \$4,500,000 from Corrections' Miscellaneous Revenues; to provide specification for the Department of Aeronautics appropriations; to provide a supplemental appropriation in the amount of \$15,000 from the Social Work Examiners Fund to the Board of Social Work Examiners; to provide a supplemental appropriation of \$60,000 from the Veterinary Medical Examiners Fund to the Board of Veterinary Medical Examiners; to provide a supplemental appropriation to the Alabama Department of Transportation in the amount of \$21,604,827 from the Public Road and Bridge Fund; to

provide for a supplemental appropriation to the Department of Public Safety in the amount of \$1,500,000 from Public Road and Bridge Fund and in the amount of \$400,000 from the Automated Fingerprint Identification System Fund for the fiscal year ending September 30, 1995; to provide a supplemental appropriation to the Tennessee Valley Exhibit Commission in the amount of \$110,000 from the TVA Exhibit Commission Fund; to provide a supplemental appropriation to the Home Builders Licensure Board from the Home Builders Recovery Fund in the amount of \$300,000; to reduce the FY 1993-94 Capital Outlay General Fund appropriation to the Farmers' Market Authority by \$224,362; to reduce the FY 1993-94 Capital Outlay General Fund appropriation to the Alabama Indian Affairs Commission by \$150,000; to reduce the FY 1992-93 Capital Outlay General Fund appropriation to the Farmers' Market Authority by \$85,205; to amend Act 94-486, specifically the Unified Judicial System conditional appropriation language by reducing the amount of the conditional appropriation; to provide a supplemental appropriation to the District Attorneys in the amount of \$25,000 from the State General Fund; to provide a supplemental appropriation to the Alabama Board of Athletic Trainers from the Athletic Trainers Fund in the amount of \$35,000; to remove the requirement of a \$2,000,000 transfer from the Alcoholic Beverage Control Board to the Department of Public Safety; to provide a supplemental appropriation from the Farmers' Market Authority Fund to the Farmers' Market Authority in the amount of \$50,000; to amend Act 94-486, specifically the Public Service Commission, under Administrative Services Program by increasing the transfer to the State General Fund; to provide a supplemental appropriation in the amount of \$630,000 from the Public Service Commission Fund to the Public Service Commission; to appropriate the sum of \$150,000 from the Multiple Needs Children Fund to the Alabama Children's Services Facilitation Team; to amend Act 94-486, specifically the appropriation for the Alabama Agriculture Museum Board clarifying the purposes for which the appropriation was made; to provide for restrictions on inter-agency transfers, of any type, of any of the funds appropriated under the provisions of this act; and to provide for an effective date.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. In addition to all other appropriations heretofore or hereafter made, there is hereby appropriated to the following agencies the following amounts from the State General Fund for the fiscal year ending September 30, 1995:

Department of Corrections.....	5,000,000
Attorney General.....	1,200,000
Ethics Commission.....	250,000
Department of Agriculture and Industries.....	1,100,000
\$1,000,000 to be used for the Boll Weevil Eradication Program and \$100,000 to be used for the Poultry Diagnostic Laboratory Unified Judicial System.....	1,750,000

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Department of Youth Services.....	2,000,000
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To be used to continue the funding of Juvenile Probation
Officers subsidy program.

Department of Human Resources.....	2,450,000
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Section 2. The appropriations made in Act No. 94-486 passed in the 1994 Regular Session to the following agencies from the State General Fund are hereby reduced by the following amounts for the fiscal year ending September 30, 1995:

Forestry Commission.....	200,000
Department of Transportation.....	643,959
Alabama Development Office.....	500,000
Department of Conservation.....	300,000
Department of Finance.....	200,000
Farmers' Market Authority-Capital Outlay.....	136,646
Agriculture and Industries.....	148,500
Veterans Affairs.....	72,287
Commission on Aging.....	70,000
Military Department.....	41,500
Emergency Management Agency.....	30,000
Registration of Voters.....	100,000
Election of Voters.....	100,000
Fair Trial Tax Transfer.....	274,541

Section 3. The appropriation made in Act No. 94-486 passed in the 1994 Regular Session to the Department of Corrections, Institutional Services Corrections Program in the amount of \$300,000 is no longer mandated to be expended for boot camp expenditures.

Section 4. In addition to all other appropriations heretofore or hereafter made, there is hereby appropriated \$4,500,000 to the Department of Corrections from Corrections' Miscellaneous Revenues for the fiscal year ending September 30, 1995.

Section 5. The appropriation made in Act No. 94-486 passed in the 1994 Regular Session to the Department of Aeronautics, Airport Improvement Program is hereby Estimated and can be used only as grants awarded by the Alabama Aeronautics Commission for the general promotion, advancement, education and safety of aeronautics and for the improvement of airports or other aeronautics facilities in the state of Alabama.

Section 6. In addition to all other appropriations heretofore or hereafter made, there is hereby appropriated from the Social Work Examiners Fund to the Board of Social Work Examiners the sum of \$15,000 for the fiscal year ending September 30, 1995.

Section 7. In addition to all other appropriations heretofore or hereafter made, there is hereby appropriated from the Veterinarian Medical Examiners Fund to the Board of Veterinary Medical Examiners the sum of \$60,000 for the fiscal year ending September 30, 1995.

Section 8. In addition to all other appropriations heretofore or hereafter made, there is hereby appropriated to the Alabama Department of Transportation the sum of \$21,604,827 from the Public Road and Bridge Fund, \$20,104,827 of which is to be used for Federal Aid Matching and \$1,500,000 to be used for transfer to the Department of Public Safety for Traffic Law Enforcement for the fiscal year ending September 30, 1995.

Section 9. In addition to all other appropriations heretofore or hereafter made, there is hereby appropriated to the Department of Public Safety the amount of \$1,500,000 as a transfer from the Public Road and Bridge Fund and the amount of \$400,000 from the Automated Fingerprint Identification System Fund for the fiscal year ending September 30, 1995.

Section 10. In addition to all other appropriations heretofore or hereafter made, there is hereby appropriated \$110,000 to the Tennessee Valley Exhibit Commission from the Tennessee Valley Exhibit Commission Fund for the fiscal year ending September 30, 1995.

Section 11. In addition to all other appropriations heretofore or hereafter made, there is hereby appropriated \$300,000 to the Home Builders Licensure Board from the Home Builders Recovery Fund for the fiscal year ending September 30, 1995.

Section 12. The appropriation made in Act No. 93-771 passed in the 1993 Regular Session to the Farmers' Market Authority for Capital Outlay from the State General Fund is hereby reduced by the sum of \$224,362 for the fiscal year ending September 30, 1995.

Section 13. The appropriation made in Act No. 93-771 passed in the 1993 Regular Session to the Alabama Indian Affairs Commission from the State General Fund is hereby reduced by the sum of \$150,000 for the fiscal year ending September 30, 1995.

Section 14. The appropriation made in Act No. 92-621 passed in the 1992 Regular Session to the Farmers' Market Authority for Capital Outlay from the State General Fund is hereby reduced by the sum of \$85,205 for the fiscal year ending September 30, 1995.

Section 15. In addition to all appropriations made heretofore or hereafter, there is hereby appropriated the sum of \$50,000 from the Farmers' Market Authority Fund to the Farmers' Market Authority for the fiscal year ending September 30, 1995.

Section 16. The conditional appropriation language relating to court costs made in Act 94-486 passed in the Regular Session of 1994 to the Unified Judicial System from the State General Fund is hereby amended as follows:

"Of the above appropriation for the Court Operations Program, \$750,000 shall be conditioned upon deposits to the State General Fund from court costs and fines equaling or exceeding \$40,500,000 for the 1994-95 fiscal year. The conditional appropriation of \$750,000 may be released on a quarterly basis if the Director of Finance certifies each quarter that deposits to the State General Fund from court costs and fines are being deposited at the rate necessary to reach \$40,500,000 by September 30, 1995. During any quarter the Director of Finance may, in addition to certifying and releasing funds for that quarter, certify and release funds for any previous quarter for which he did not certify and release funds."

Section 17. In addition to all appropriations heretofore or hereafter made, there is hereby appropriated \$25,000 to the District Attorneys from the State General Fund for use in the District Attorney's Office in the 33rd Circuit.

Section 18. In addition to all other appropriations heretofore or hereafter made, there is hereby appropriated \$35,000 to the Alabama Board of Athletic Trainers from the Athletic Trainers Fund for the fiscal year ending September 30, 1995.

Section 19. The transfer of \$2,000,000 from the Alcoholic Beverage Control Board to the Department of Public Safety made in Act No. 94-486 passed in the 1994 Regular Session is no longer mandated to be transferred. Furthermore, the appropriation to the Department of Public Safety from the ABC transfer is reduced \$2,000,000.

Section 20. The appropriation and transfer language made in Act No. 94-486 passed in the 1994 Regular Session to the Public Service Commission under the "Administrative Services Program" is hereby amended to read as follows:

"The above appropriation includes a transfer to the State General Fund of \$2,130,000."

Section 21. In addition to all other appropriations heretofore or hereafter made, there is also appropriated to the Public Service Commission the sum of \$630,000 from the Public Service Commission Fund for the fiscal year ending September 30, 1995.

Section 22. There is hereby appropriated from the Multiple Needs Children Fund to the Alabama Children's Services Facilitation Team the sum of \$150,000 for the fiscal year ending September 30, 1995.

Section 23. It is the intent of the Legislature, that twenty days before any inter-agency transfers occur, of any type, including contracting, of any of the funds appropriated in this act, the agency transferring these funds shall notify, in writing, the Chairman of the House Ways and Means Committee and the Chairmen of the Senate Finance and Taxation Committee.

Section 24. It is the intent of the Legislature that the appropriation made in Act 94-486 passed in the 1994 Regular Session to the Alabama Agriculture Museum Board may be used for Capital Outlay purposes by the Board.

Section 25. All laws or parts of laws which conflict with this act are hereby repealed.

Section 26. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

REPORT OF THE COMMITTEE ON CONFERENCE ADOPTED

On motion of Representative Fuller, the House concurred in and adopted the Report of the Committee on Conference on the disagreement of the two Houses on the Senate amendment to the bill, H. 233, said report being set out in the foregoing Report of the Committee on Conference.

Yeas 91; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Box, Boyd, Buskey, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 662. Relating to Marion County; to amend Section 2 of Act No. 80-128, H. 603, 1980 Regular Session (Acts 1980, p. 191), to provide for the sale or disposal of property under the control of the county commission to a municipal or other governmental entity in the county without the necessity of public auction or sealed bids.

Also:

H. 665. Relating to Lauderdale County; to amend the title and Section 7 of Act No. 86-411, H. 772 of the 1986 Regular Session (Acts 1986, p. 599), relating to allocation and distribution of the lodging tax; to provide further for the allocation and distribution of the lodging tax; and to establish a tourism board.

Also:

H. 673. Relating to Lauderdale County; providing authority for a county personnel system adopted by the Lauderdale County Commission; and providing for the authority of the county to implement policies and procedures for the county, county employees, and employees of elected officials.

Also:

H. 697. Relating to Etowah County; to provide for the establishment of the "Etowah County Library Committee"; to provide that the committee would have authority to disburse funds received from a sales tax; to provide for the membership of the committee; to provide for appointments of members and filling of vacancies; to provide for the terms of the members; to provide for compensation; and to provide for staff and compensation of the staff of the committee.

Also:

H. 839. Relating to Autauga County; to levy and collect an eight mill countywide ad valorem tax and a one cent countywide sales tax for education, improvement of unpaved roads, courthouse complex facilities, volunteer fire departments, and for Prattville, Autaugaville, and Billingsley.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the foregoing Report of the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Senators Figures, Windom, Myers, and Lipscomb:

S.J.R. 118. RECOGNIZING MOBILE, ALABAMA, AS AN "ALL AMERICA CITY."

Also:

By Senator Waggoner:

S.J.R. 119. COMMENDING DR. ANNA VACCA OF VESTAVIA HILLS, ALABAMA.

McDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Box, the rules were suspended, and the House concurred in and adopted the resolution, S.J.R. 118, the title of which is set out in the foregoing Message from the Senate.

Also:

On motion of Representative Hawkins, the rules were suspended, and the House concurred in and adopted the resolution, S.J.R. 119, the title of which is set out in the foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has received the accompanying Message from His Excellency, the Governor, proposing an amendment to the Bill:

S. 63. To require city and town governing bodies to assess a charge against certain landowners seeking to connect to a sewer or sewer system and to provide that the act shall be construed as cumulative to certain existing law.

said Governor's Message being in words and figures as follows, to-wit:

MESSAGE FROM THE GOVERNOR

To The Senate of Alabama
Alabama State House
Montgomery, Alabama 36130

Lady and Gentlemen:

I transmit herewith to you a message from the Governor, returning Senate Bill No. 63, without the Governor's signature and approval, but with the following Executive Amendment.

Done this 27th day of June, 1995.

Respectfully submitted,

WILLIAM P. GRAY
Legal Advisor to the Governor

MESSAGE FROM THE GOVERNOR

To The Senate of Alabama
Alabama State House
Montgomery, Alabama 36130

Lady and Gentlemen:

I am returning to you, the body in which it originated, Senate Bill No. 63, without my signature, but with the following suggested Executive Amendment:

EXECUTIVE AMENDMENT TO SENATE BILL NUMBER 63:

Please amend Senate Bill No. 63 on page 2, line 3, by deleting the words "not in excess of" after the word "but" and inserting in lieu thereof before the word "the" the following: shall not be in excess of either (1) the reasonable front foot cost of the sewer at current construction costs under similar circumstances or (2)

The adoption of the above suggested Executive Amendment will remove my objections to this bill.

Done this the 27th day of June, 1995.

Respectfully,

FOB JAMES, JR.
Governor

And the Senate has concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Bill, SB 63, by a vote of a majority of the whole number elected to the Senate, said vote being: Yeas 25, Nays 0.

And said Bill, SB 63, together with the Executive amendment, is herewith sent to the House for its consideration.

McDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Sanderson, the House concurred in and adopted the amendment proposed by His Excellency, the Governor, to the bill, S. 63, said Governor's amendment being set out in the foregoing Message from the Senate.

Yeas 84; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Box, Boyd, Buskey, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Johnson (E), Johnson (R), Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Mitchell, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Payne, Penry, Petelos, Pringle, Reed, Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has received the accompanying Message from His Excellency, the Governor, proposing an amendment to the Bill:

S. 74. To require timely payments to contractors, subcontractors, and sub-subcontractors; and to provide for interest on late payments.

said Governor's Message being in words and figures as follows, to-wit:

MESSAGE FROM THE GOVERNOR

To The Senate of Alabama
Alabama State House
Montgomery, Alabama 36130

Lady and Gentlemen:

I transmit herewith to you a message from the Governor, returning Senate Bill No. 74, without the Governor's signature and approval, but with the following Executive Amendment.

Done this 29th day of June, 1995.

Respectfully submitted,

WILLIAM P. GRAY
Legal Advisor to the Governor

MESSAGE FROM THE GOVERNOR

To The Senate of Alabama
Alabama State House
Montgomery, Alabama 36130

Lady and Gentlemen:

I am returning to you, the body in which it originated, Senate Bill No. 74, without my signature, but with the following suggested Executive Amendment:

EXECUTIVE AMENDMENT TO SENATE BILL NUMBER 74:

Please amend Senate Bill No. 74 on page 7, lines 19 through 23 by deleting Section 6(b) in its entirety.

Further amend this bill on page 8, line 1 after the word "Residential" by deleting the word "improvements" and inserting in lieu thereof the word "homebuilders".

Please further amend this bill as follows: on page 8, line 1, change the number "1" to read "a"; on page 8, line 2, change the number "2" to read "b"; on

page 8, line 5 change the number "3" to read "c"; and on page 8, line 7, change the number "4" to read "d".

The adoption of the above suggested Executive Amendment will remove my objections to this bill.

Done this the 29th day of June, 1995.

Respectfully,

FOB JAMES, JR.
Governor

And the Senate has concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Bill, SB 74, by a vote of a majority of the whole number elected to the Senate, said vote being: Yeas 25, Nays 0.

And said Bill, SB 74, together with the Executive amendment, is herewith sent to the House for its consideration.

McDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Knight (J) the House concurred in and adopted the amendment proposed by His Excellency, the Governor, to the bill, S. 74, said Governor's amendment being set out in the foregoing Message from the Senate.

Yeas 86; Nays 1.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Box, Boyd, Buskey, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Holmes, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Payne, Penry, Petelos, Pringle, Reed, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

Nay:

Representative Hall (A).

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the Report of the Committee on Conference on the disagreement of the two Houses on the House amendment to the Bill:

S. 424. To further provide for the management of Alabama's marine resources; to amend Section 9-12-111, Code of Alabama 1975, relating to certain lengths of certain seines and nets, so as to further regulate the possession thereof, to provide for certain lengths thereof, to further regulate widths of certain trawls, to provide for certain confiscation and forfeiture, and to provide for certain criminal liability; to amend Section 9-12-113, Code of Alabama 1975, relating to certain fishing licenses, so as to further provide for certain fees and permits, to regulate the transfer of certain net or seine permits, to provide for certain additional requirements to be permitted, to restrict the number of permits issued and require certain decals or placards, to restrict the number of nets or seines in use at any one time, to further regulate and require the presence of the permittee in certain conditions, certain possession, and certain net or seine identification, to specify to whom certain licenses or permits may be issued and further define "nonresident," to further provide for forfeiture and alternatives thereto, to further define possession of game fish, to specify certain saltwater game fish and provide for a certain tagging system, to provide penalties for violation of certain regulations, to further provide as to certain penalties and as to certain criminal liability and to provide for a point system whereby certain licenses or permits shall be revoked under certain circumstances; to prohibit selling, buying, or trading or bartering in certain saltwater game fish and specify penalties and certain criminal liability; to amend Section 9-12-115, Code of Alabama 1975, relating to the filing of certain dealer reports, so as to further provide for and require seafood dealer reporting; to provide for certain landing and reporting requirements for certain saltwater finfish and seafood products commercially harvested in Alabama, to provide for the establishment by regulation of certain reporting procedures, to provide for certain revocation procedures, and to specify penalties and certain criminal liability; to amend Section 9-12-125, Code of Alabama 1975, relating to the seafood dealer's license, so as to further provide for the requirements and fees therefor, to further regulate and provide for the licensing of certain vehicles from which seafood is bought or sold, and to further provide for penalties; and to provide for effective dates.

said Conference Report being in words and figures as follows:

REPORT OF COMMITTEE OF CONFERENCE ON S. 424

We, the Committee of Conference appointed to reconcile the disagreement between the two houses concerning S. 424, have met, considered the bill as substituted, and have agreed to the following report:

Attached Substitute

Respectfully submitted,

STEVE WINDOM
HAP MYERS, JR.
ROGER BEDFORD

Conferees on the part of the Senate

J.E. TURNER
MICHAEL E. BOX
WALTER E. PENRY, JR.

Conferees on the part of the House

A BILL
TO BE ENTITLED
AN ACT

To further provide for the management of Alabama's marine resources; to amend Section 9-12-111, Code of Alabama 1975, relating to certain lengths of certain seines and nets, so as to further regulate the possession thereof, to provide for certain lengths thereof, to further regulate widths of certain trawls, to provide for certain confiscation and forfeiture, and to provide for certain criminal liability; to amend Section 9-12-113, Code of Alabama 1975, relating to certain fishing licenses, so as to further provide for certain fees and permits, to regulate the transfer of certain net or seine permits, to provide for certain additional requirements to be permitted, to restrict the number of permits issued and require certain decals or placards, to restrict the number of nets or seines in use at any one time, to further regulate and require the presence of the permittee in certain conditions, certain possession, and certain net or seine identification, to specify to whom certain licenses or permits may be issued and further define "nonresident," to further provide for forfeiture and alternatives thereto, to further define possession of game fish, to specify certain saltwater game fish and provide for a certain tagging system, to provide penalties for violation of certain regulations, to further provide as to certain penalties and as to certain criminal liability and to provide for a point system whereby certain licenses or permits shall be revoked under certain circumstances; to prohibit selling, buying, or trading or bartering in certain saltwater game fish and specify penalties and certain criminal liability; to amend Section 9-12-115, Code of Alabama 1975, relating to the filing of certain dealer reports, so as to further provide for and require seafood dealer reporting; to

provide for certain landing and reporting requirements for certain saltwater finfish and seafood products commercially harvested in Alabama, to provide for the establishment by regulation of certain reporting procedures, to provide for certain revocation procedures, and to specify penalties and certain criminal liability; to amend Section 9-12-125, Code of Alabama 1975, relating to the seafood dealer's license, so as to further provide for the requirements and fees therefor, to further regulate and provide for the licensing of certain vehicles from which seafood is bought or sold, and to further provide for penalties; and to provide for effective dates.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 9-12-111, Code of Alabama 1975, as last amended, is hereby amended to read as follows:

"§9-12-111.

"It shall be unlawful for any person, firm or corporation to have in possession on board a boat in the waters of Alabama or in use, any seine, trammel net, gill net or other device for the taking or catching of saltwater fish or other seafoods having in length on the lead cork or main top line more than 500 fathoms (3,000 2,400 feet) except on purse seines where the commissioner of conservation and natural resources may set additional length by regulation. This measurement shall be on shrimp trawls along the cork line rather than along the lead line. When two or more nets are joined together, they shall be considered as one, and the total length thereof must not exceed the above limitation. All nets, seines, or trawls exceeding the prescribed length or width as set by law or regulation may be confiscated and held as evidence, and upon conviction, the nets, seines, or trawls shall be forfeited to the Department of Conservation and Natural Resources which shall dispose of forfeited items as it deems advisable. Any person violating this section or any regulation promulgated pursuant to this section shall be strictly liable and it shall not be necessary to prove any criminal intent for conviction. It shall be unlawful for any person, firm, or corporation to have in use any trawl or trawls, for the taking of shrimp or other seafoods, the total width of which exceeds the measurement as set by regulation."

Section 2. Section 9-12-113, Code of Alabama 1975, as last amended, is hereby amended to read as follows:

"§9-12-113.

"(a) Each license or permit issued by the Commissioner of Conservation and Natural Resources or his or her authorized agent shall state the name of the applicant.

"(1) If the applicant is a resident of the state of Alabama, the applicant shall pay a fee of the following fees:

"a. \$25 One hundred dollars (\$100) for commercial hook and line fishing.

"b. \$100 Three hundred dollars (\$300) on each net or seine permit of any kind not more than 200 fathoms in length, plus an additional five hundred dollars (\$500) per permit for the taking of Roe Mullet and Spanish Mackerel, as defined by regulation of the Department of Conservation and Natural Resources \$150 on each seine or net of any kind over 200 but not over 400 fathoms in length, and.

"c. \$500 One thousand five hundred dollars (\$1,500) for each purse seine license.

"(2) Nonresidents shall pay the following fees:

"a. Two hundred dollars (\$200) for commercial hook and line fishing.

"b. \$500 One thousand five hundred dollars (\$1,500) for each net or seine permit of any kind up to 200 fathoms, plus an additional two thousand five hundred dollars (\$2,500) per permit for the taking of Roe Mullet and Spanish Mackerel, as defined by regulation of the Department of Conservation and Natural Resources. and \$750 for each net or seine of any kind over 200 but not more than 400 fathoms

"c. Three thousand dollars (\$3,000) for each purse seine license except where the nonresident of the State of Alabama is a resident of a state which has a reciprocal fishing agreement with the State of Alabama, in which case the fee shall be the same as the fee for an Alabama resident in that state.

"(b) The net and seine permits provided for pursuant to subdivision (1) of subsection (c) shall not be transferable from one person to another for a period of three years from the effective date of the act amending this code section or until a transfer system is developed by departmental regulation, except in the case of proven physical hardship, as determined within the sole discretion of the Director of the Marine Resources Division. The Department of Conservation and Natural Resources shall by regulation establish a system for the transfer of the permits within a three year period. In establishing the system, the department shall provide that there shall be no financial gain realized by the transferor of the permits. The net and seine permits provided for pursuant to subdivision (2) of subsection (c) shall not be transferable under any circumstances, including physical hardship, and shall not be transferred to any other applicant by the department.

"(c) In addition to all other requirements to be permitted pursuant to this section, except as otherwise provided for residents age 62 years or older under certain conditions as may be subsequently determined by the department, all applicants for net and seine permits shall submit the following: (1) proof that the applicant purchased a license under this section in at least two of the five years during the period of 1989 through 1993 and proof, in the form of unamended original income tax returns including Alabama state income tax returns for all

applicants in accordance with procedures established by departmental regulations, that the applicant recognized his or her applicable Alabama income and derived at least 50 percent of his or her gross income from the capture and sale of seafood species in at least two of the five years during the period of 1989 through 1993 and in subsequent years for annual renewal; or (2) proof that the applicant purchased a license under this section every year from 1989 through 1993, and, unless exempt from filing under the Alabama income tax law, proof that the applicant filed an Alabama income tax return from 1989 through 1993, and in subsequent years for annual renewal. For the license year beginning October 1, 1997, only, any permittee who obtained a net and seine permit pursuant to subdivision (2) may obtain a permit transferable in the same manner as a permit pursuant to subdivision (1) upon submitting proof in the form of unamended original income tax returns including Alabama state income tax returns for all applicants in accordance with procedures established by departmental regulations, that the applicant recognized his or her applicable Alabama income and derived at least 50 percent of his or her gross income in 1996 from the capture and sale of seafood species, provided the permittee must meet the gross income requirements to continue to renew a permit issued pursuant to subdivision (1) in subsequent years. A permittee who receives a permit pursuant to the provision in the preceding sentence may not receive a permit pursuant to subdivision (2) thereafter. The Alabama Department of Revenue shall verify, upon request, to the Director of the Marine Resources Division of the Alabama Department of Conservation and Natural Resources the income tax return of the applicant if the applicant authorizes the release of the information. Authorization by the applicant to release the information shall be a prerequisite for a permit.

"(d) Only one permit shall be issued per individual. The department shall issue each permittee one decal or placard which shall be visibly displayed on the permittee's designated vessel or vessels in accordance with regulations promulgated by the Department of Conservation and Natural Resources. All nets and seines, except seines 25 feet or less, shall be licensed, and the licensee of the seine or net A permittee shall have only one net or seine in use at any time and shall be present and have the license permit in his or her possession when the net or seine is in use or in transit, provided the presence of the permittee shall not be required when the boat is docked, refueling, or at a launch site.

"(e) All nets and seines, except purse seines, and seines 25 feet or less, shall bear a tag showing the name and number of the licensee permittee and any other identification as required by regulation, when the nets or seines are in use or on board a boat in the waters of Alabama. A designated vessel of 45 feet in length or less, as measured down the centerline, may have properly marked nets which are the property of the owner of the designated vessel on board the vessel but no fish may be in contact with the nets and provided that the vessel is not in motion and is moored or anchored when the permittee is not present. An initial designated vessel may be replaced by another vessel owned by the permittee that is no longer than 110 percent of the original vessel subject in all events to a maximum of 45 feet except in certain cases which may be waived by the Director of the Division of Marine Resources upon presentation of evidence that a

permittee owned a vessel longer than 45 feet prior to the passage of this amendatory act.

"(f) All permits issued shall be issued to individual persons only. A purse seine license may be issued to a person, firm, or corporation. A nonresident, as mentioned in this section, for the purposes of all permits issued, is defined to be any person who has not been continuously domiciled in this state for more than one continuous year prior to the date of the issuance of the license and for the purpose of purse seine licenses, a nonresident is defined to be any person, firm, or corporation who has not been domiciled in this state for more than one continuous year immediately prior to the date of the issuance of the license.

"(g) All licenses and permits issued pursuant to this section shall expire on September 30 thereafter irrespective of the date of the issuance of the same.

"(h) All nets and seines fished in an illegal manner, or in an illegal area, are declared to be a nuisance and may be confiscated, along with the entire catch, any boat, motor, or and any other fishing gear in the violator's possession, and all of the items may be held as evidence by any agent of the Department of Conservation and Natural Resources. After conviction of the person in whose possession the device or items were found or when the operator of the device has not been determined after a period of 30 days, the device or items shall be forfeited to the Department of Conservation and Natural Resources which shall destroy or otherwise dispose of the device or items as it shall deem advisable or in lieu of forfeiture, the court may impose additional fines.

"(i) All game fish taken by nets or seines under this law shall be immediately returned to the waters where they were taken with the least possible injury to the fish. Possession of game fish in violation of this paragraph will be considered as using a net or seine in an illegal manner. Saltwater game fish are defined as follows: Spotted Seatrout (*Cynoscion nebulosus*); Red Drum (*Sciaenops ocellata*); Tarpon (*Megalops atlanticus*); and those species designated by regulation of the Department of Conservation and Natural Resources. The department shall by regulation to the extent possible establish a tagging system to regulate importation or sale of the above listed species or species added by regulation.

"(b) (i) In addition to the any other penalties provided in subsection (a) of this section, a violation of this section or any regulation promulgated pursuant to this section, shall be a Class B misdemeanor punishable as provided by law; provided, however, that there shall be a mandatory minimum fine of \$1,000 for first offenses of utilizing a net or seine without the required license or permit hereunder, and any subsequent violation of subsection (a) committed within a three-year period of the date of conviction shall be a Class A misdemeanor, punishable by a mandatory minimum fine of two thousand dollars (\$2,000) and a mandatory minimum imprisonment of 10 days. Any person violating this section or any regulation promulgated pursuant to this section shall be strictly liable and it shall not be necessary to prove any criminal intent for conviction.

"A 10-point system is also hereby established to provide that in the event a person is convicted of the following offenses as set out in (1) - (5) below in a manner so as to acquire ten or more points within a three year period the department shall automatically and permanently revoke all licenses or permits issued and the licenses, permits, and any decal issued to that person shall be surrendered immediately by the licensee or permittee to the Director of the Division of Marine Resources upon conviction. Points shall be considered for a period of three years from the date of conviction and shall be as follows:

"(1) Sale, purchase, trade or barter of game fish, 10 points.

"(2) Fishing in closed areas, 5 points.

"(3) Retention of game fish, 5 points.

"(4) Fishing with improperly marked gear, 4 points.

"(5) Points for any other offense established or designated by regulation of the Department of Conservation and Natural Resources, shall be as provided in the regulation relating to the prohibitions of this section."

Section 3. No person shall do, or attempt to do, any of the following: sell, trade, or barter, or buy, trade for, or barter for, any saltwater game fish specified in Section 9-12-113 or by regulation of the Department of Conservation and Natural Resources. The first offense of this section shall be a Class B misdemeanor with a mandatory minimum fine of one thousand dollars (\$1,000). Any subsequent offenses shall be a Class A misdemeanor with a mandatory minimum fine of two thousand dollars (\$2,000), plus forfeiture of vehicle used in transporting the game fish. Any person violating this section or any regulation promulgated pursuant to this section shall be strictly liable and it shall not be necessary to prove any criminal intent for conviction.

Section 4. Section 9-12-115, Code of Alabama 1975, as last amended, is hereby amended to read as follows:

"§9-12-115.

"Each and every person, firm, or corporation holding a ~~wholesale~~ seafood dealer's license issued by the commissioner of conservation and natural resources or his or her authorized agent shall under oath make a ~~quarterly~~ monthly report to the Director of the Marine Resources Division of the department ~~commissioner of conservation and natural resources~~ on blanks provided for that purpose by ~~such the director commissioner of conservation and natural resources~~, which report shall show in detail the weight in pounds of each species of fish purchased from commercial fishermen during the preceding month. The reports required by this section ~~must~~ shall be in the hands of the director ~~commissioner of conservation and natural resources~~ by the first tenth day of each month for the immediately ~~previous month~~ January, April, July and October of each year, and willful failure or

~~refusal to make the report by the required date or upon notification by the director commissioner of conservation and natural resources that such the report has not been received or the filing of a false report shall be deemed a violation of this section, and the commissioner of conservation and natural resources shall have the discretion to suspend or cancel such the dealer's license until such time as the provisions of this section are complied with, and such the license shall not be used by any person, firm, or corporation until the same dealer's license is restored by said the commissioner of conservation and natural resources. The commissioner may, by regulation, require reports on a more frequent basis for those species managed under a quota system, with the same penalty provisions applicable for failure or refusal to report. The commissioner may by regulation, require the reports to be formatted to comply with gulf-wide trip tickets."~~

Section 5. All saltwater finfish commercially harvested in the State of Alabama, except those lawfully taken by purse seine, shall be landed in this state and reported through a properly licensed Alabama seafood dealer. Other seafood products commercially harvested in this state shall be landed in this state, or in lieu thereof any subject person shall comply with any reporting procedures established by regulation of the Department of Conservation and Natural Resources. The Commissioner of the Department of Conservation and Natural Resources is hereby authorized to promulgate regulations which provide for and require reporting procedures for both resident and nonresident Alabama commercial fishermen who sell or land seafood products other than finfish outside the State of Alabama. Upon determination by the Commissioner of the Department of Conservation and Natural Resources that any subject person has failed to report as required, the commissioner may revoke any relevant commercial seafood license or permit he or she deems appropriate. Any person who violates this section or any regulation promulgated pursuant to this section, shall be guilty of a Class B misdemeanor, and upon conviction, shall be punished as provided in Sections 13A-5-7 and 13A-5-12, Code of Alabama 1975. Any person so convicted shall be fined not less than one thousand dollars (\$1,000). Any person violating this section shall be strictly liable and it shall not be necessary to prove any criminal intent for conviction.

Section 6. Section 9-12-125, Code of Alabama 1975, as last amended, is hereby amended to read as follows:

"§9-12-125.

"Any person, firm, or corporation who shall engage engages in the selling, brokering, trading, bartering, or processing of any fresh or frozen seafood, whether on a consignment basis or otherwise, is a seafood dealer and shall purchase a seafood dealer's license for a fee of two hundred dollars (\$200) for Alabama residents domiciled for a period of more than one continuous year immediately preceding date of issuance and four hundred dollars (\$400) for nonresidents except for residents of states which charge Alabama residents in excess of four hundred dollars (\$400) for the activity, in which case it shall be the amount the other state charges \$125.00;. To obtain the license, all entities other than brokers

shall have and present proof of a business license from the location of the business, a tax identification number, and the appropriate seafood processing health permit. provided however, that this This license is not required by nonresident seafood dealers buying from or selling to a licensed Alabama seafood dealer or licensed commercial fishermen when selling their catch to a licensed Alabama seafood dealer nor by retail grocers or restaurants where the seafood is cooked and sold for consumption on or off its premises; ~~provided however, that restaurants~~ Restaurants and retail grocers shall not purchase seafoods from any person, firm, or corporation that is not licensed to sell seafoods in Alabama unless said restaurant or retail grocer shall have first purchased an Alabama seafood dealer's license. If the licensee owns or operates more than one place of business, then additional dealer's licenses must be purchased for each separate place of business, providing the location of each. A vehicle used solely for transporting seafoods to or from an Alabama seafood dealer is not considered a place of business. A Each vehicle or vessel from which seafood is sold to, or purchased from; any person, firm, or corporation other than an Alabama seafood dealer, is a place of business and must shall be licensed under the provisions of this section. and the owner The seafood dealer shall purchase a license for each vehicle for a fee of one hundred dollars (\$100) per license and the operator of the vehicle shall have the original license in his or her possession when selling or buying seafood from that vehicle ~~shall provide the vehicle tag number or vessel name and registration number as well as his legal mailing address.~~ Seafood dealers may purchase seafoods only from commercial fishermen validly licensed in Alabama, Alabama seafood dealers, and any nonresident seller ~~which who~~ who is validly licensed to sell seafoods under the laws of that state. It shall be unlawful for any person, firm, or corporation to sell, broker, trade, barter, or process seafoods as provided for in this section without first purchasing a seafood dealer's license. Any person, firm, or corporation violating ~~any of the provisions of this section shall, upon conviction, be guilty of a Class G A misdemeanor; with a~~ minimum mandatory fine of one thousand dollars (\$1,000) for first offenses, two thousand five hundred dollars (\$2,500) for second offenses within three years of the date of the first conviction, and five thousand dollars (\$5,000) and a mandatory jail sentence of 10 to 30 days for conviction of any subsequent offenses within three years of the date of the first conviction."

Section 7. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 8. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law; provided, however, that Sections 2 and 6 of this act shall be effective October 1, 1995. Upon the effective date of this act no additional net or seine licenses, pursuant to Section 9-12-113 of the Code of Alabama 1975, shall be issued for the fiscal year 1994-95 license year.

And said Bill, SB 424, together with the Report of the Committee on Conference, is herewith sent to the House for its consideration.

McDOWELL LEE
Secretary

SENATE MESSAGE

REPORT OF THE COMMITTEE ON CONFERENCE ADOPTED

On motion of Representative Box, the House concurred in and adopted the Report of the Committee on Conference on the disagreement of the two Houses on the House amendment to the bill, S. 424, said report being set out in the foregoing Message from the Senate.

Yeas 77; Nays 0.

Yea:

Mr. Speaker, Allen, Box, Boyd, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Houston, Johnson (R), Jorgensen, Knight (A), Laird, Layson, Letson, McAdory, McDaniel, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Willis.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Presiding Officer of the Senate having signed the following Senate Bills, your signature thereto is requested:

S. 260. Relating to trusts, providing further for the powers of trustees of express trusts created by trust instrument, without court authorization, in the absence of contrary provisions of the trust instrument; providing for the termination of certain small trusts by action of the trustee where the trustee determines that continued administration of the trust would be too costly; providing for certain discretionary actions that a trustee who is also a beneficiary of an express trust may not take in the absence of a specific authorization in the trust instrument; providing that if two or more persons are appointed co-trustees, acts in connection

with the administration of the trust requires the concurrence of all co-trustees except in certain specified instances and except where the trust instrument otherwise provides; providing for the payment out of the trust estate of the expenses of the trustee in defending or prosecuting proceedings in good faith; providing that the provisions of the act shall apply to all trusts whether created before or after the effective date of the act but only as to decisions or actions occurring after the effective date of the act, and providing for the affirmative election by certain parties in interest to render certain provisions of the act inapplicable to trusts created before the effective date of the act; providing for the repeal of all laws or parts of laws in conflict with the act; providing that the provisions of the act are severable; and providing for an effective date.

Also:

S. 314. To amend Section 11-49-80, Code of Alabama 1975, to provide that the annexation of unincorporated territory into a municipality, after the effective date of this act, shall result in the municipality assuming responsibility to control, manage, supervise, regulate, repair, maintain, and improve all public streets or parts thereof lying within the territory annexed, under certain conditions; to provide that nothing contained within the bill shall require a municipality to assume responsibility to control, manage, supervise, regulate, repair, maintain, or improve any street or part thereof located within the territory annexed which was not being controlled, managed, supervised, regulated, repaired, maintained, and improved by the county prior to the effective date of the annexation, with certain exceptions; to provide that the responsibility for the control, management, supervision, regulation, repair, maintenance, or improvement of public streets or parts thereof lying within the corporate limits of an incorporated municipality on the effective date of this act shall remain the responsibility of the entity responsible for such public streets or parts thereof on the effective date of this act; and to authorize a county and municipality to enter into a mutual agreement providing for an alternative arrangement for the control, management, supervision, regulation, repair, maintenance, or improvement of public streets or parts thereof lying within the corporate limits of an incorporated municipality.

McDOWELL LEE
Secretary

SIGNING OF SENATE BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Presiding Officer of the Senate having signed the following Senate Bill, your signature thereto is requested:

S. 275. To amend Sections 25-4-4, 25-4-16, 25-4-54, 25-4-78, 25-4-95, 25-4-120, 25-4-133, and 25-4-134, Code of Alabama 1975, to provide further for the fiscal year, the definition of wages, penalties on certain delinquent employers, disqualifications for unemployment compensation benefits, filing for judicial review of decisions by boards of appeal, offsets to recover overpayment, penalties on employers delinquent in filing certain reports, and limitations on certain actions and to provide for certain retroactive effect.

McDOWELL LEE
Secretary

SIGNING OF SENATE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senator Roberts:

S. 55. To amend Section 40-23-1, Code of Alabama 1975, to clarify that the state sales tax would not apply to the use or consumption of a manufactured product by the manufacturer thereof if used in quality control testing or if given to certain charitable entities.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 55. Commerce, Transportation and Utilities.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senators Smitherman and McClain:

S. 416. Proposing an amendment to the Constitution of Alabama of 1901, authorizing the Birmingham City Council to provide for bingo operations for charitable purposes or otherwise within the city in Jefferson County except that portion of the city which lies south of the Birmingham Water Works on Highway 280.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read a first time at length as required by the Constitution and referred to the Standing Committee as follows:

S. 416. Constitution and Elections.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senators Little and Clay (With Notice and Proof):

S. 518. To authorize the governing body of the City of Auburn, Alabama, pursuant to Amendment No. 373 to the Constitution of Alabama of 1901, to increase the rate at which there is levied and collected by the said city, on all taxable property situated within the said city, the special ad valorem tax for the support and furtherance of education which is authorized in Amendment No. 8 to the Constitution, to a maximum rate, for any tax year of the said city, which is equal to \$1.10 on each one hundred dollars (11 mills on each dollar) of assessed value.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, S. 518, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY
McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 518. Local Legislation No. 8.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Bailey (With Notice and Proof):

S. 520. Relating to Houston County; amending Act No. 89-480 of the 1989 Regular Session, which levies a special county privilege and license tax; to redefine certain terms; to provide further for the collection of the tax; to authorize and provide for the collection of certain municipal privilege and license taxes by the Houston County Commission instead of the State Department of Revenue; to provide certain prerequisites for the collection of the tax and the time and manner of collection of the tax; to provide for a charge by the Houston County Commission for the collection of the tax; and to provide for when an amendment of a municipal ordinance levying the tax is effective and when the Houston County Commission is to perform its duties under this act.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, S. 520, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 520. Local Legislation No. 1.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Armistead (With Notice and Proof):

S. 480. Relating to Shelby County; to transfer the license-issuing division within the Office of the Judge of Probate to the county commission for issuance of certain licenses; to provide for the selection and development of classified service personnel for the license-issuing division; to provide certain duties for the division; to provide for an optional procedure for the renewal of motor vehicle licenses in the county by mail; to authorize certain additional fees and costs pursuant to the system of renewal of motor vehicle licenses by mail; to provide that the fees would be set by the county commission from time to time to pay the cost of mailing tags or decals; to prescribe procedures for the assessing and collecting of certain taxes; and to provide that the issuance of marriage licenses would remain the responsibility of the Office of the Judge of Probate.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, S. 480, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 480. Local Legislation No. 7.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Armistead (With Notice and Proof):

S. 481. Relating to Shelby County; amending Act No. 81-461, H. 933, 1981 Regular Session, to provide further for the collection of the existing sales and use tax.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, S. 481, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 481. Local Legislation No. 7.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Armistead (With Notice and Proof):

S. 495. Relating to Shelby County; to provide that the county commission may install self-service computer terminals to provide information and process motor vehicle tag renewals and other similar services in the county; and to authorize the county commission to collect additional fees from users of self-service computer terminals.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, S. 495, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 495. Local Legislation No. 7.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Sanders (With Notice and Proof):

S. 515. Relating to Lowndes County; providing the sheriff with an additional expense allowance and providing for a decrease in the expense allowance if the sheriff receives a raise in salary.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, S. 515, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 515. Local Legislation No. 1.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Sanders (With Notice and Proof):

S. 516. Relating to Lowndes County; providing further for the expense allowance of the county coroner retroactive to July 24, 1991, and amending Section 1 of Act No. 91-327, S. 455 of the 1991 Regular Session (Acts 1991, p. 646), for that purpose.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, S. 516, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 516. Local Legislation No. 1.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Roberts (With Notice and Proof):

S. 543. Relating to Morgan County; providing for an additional expense allowance and salary for the sheriff.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, S. 543, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 543. Local Legislation No. 1.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Roberts (With Notice and Proof):

S. 542. Relating to Morgan County; providing for the expense allowance and salary of the chair and commissioners of the county commission; providing for effective dates and repealing conflicting laws.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, S. 542, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 542. Local Legislation No. 1.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Mitchell (With Notice and Proof):

S. 593. Relating to Crenshaw County; amending Act No. 89-486, H. 865, 1989 Regular Session, as amended, which levied a sales and use tax, so as to provide further for the disposition of the proceeds from the tax and to extend the effective date.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, S. 593, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 593. Local Legislation No. 1.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Roberts (With Notice and Proof):

S. 540. Relating to Morgan County; providing for costs and charges in the circuit and district courts in the county in all civil and criminal cases; and providing for distribution of the revenues to be derived from the additional court costs.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, S. 540, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 540. Local Legislation No. 1.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Roberts (With Notice and Proof):

S. 539. Relating to Morgan County; providing for an additional service fee to be charged and collected with respect to the issuance and service of all legal process issued in the district and circuit courts of Morgan County which is required or requested to be served personally by the Sheriff of Morgan County; and providing for the payment of the fees collected to the county commission for credit to the general fund of the county.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, S. 539, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 539. Local Legislation No. 1.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Mitchell (With Notice and Proof):

S. 608. Relating to Pike County, providing that the judge of probate shall not receive compensation for publishing a list of qualified electors.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, S. 608, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 608. Local Legislation No. 1.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Mitchell (With Notice and Proof):

S. 609. Relating to Pike County; to increase the recording fees charged by the judge of probate.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, S. 609, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 609. Local Legislation No. 1.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Roberts (With Notice and Proof):

S. 541. Relating to Morgan County; providing for an additional filing fee to be charged and collected on all instruments filed for record in the office of the judge of probate for the purpose of establishing and operating a county archives and the development and implementation of an improved indexing and records management system in the office of the judge of probate; and providing for the use of other county funds for the same purposes.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, S. 541, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 541. Local Legislation No. 1.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Barron (With Notice and Proof):

S. 529. To alter, rearrange, and extend the boundary lines and corporate limits of the City of Bridgeport in Jackson County.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, S. 529, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 529. Local Legislation No. 1.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Mitchell (With Notice and Proof):

S. 610. Relating to Pike County; to assess an additional fee on civil and criminal cases in the county.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, S. 610, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 610. Local Legislation No. 1.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Steele (With Notice and Proof):

S. 545. Relating to Tuscaloosa County; amending Sections 1 and 2 of Act No. 81-936, H. 50, 1981 First Special Session, as amended, providing for the expense allowance and salary of the Sheriff of Tuscaloosa County.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, S. 545, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 545. Local Legislation No. 6.

RESOLUTIONS

The following resolutions were introduced and distributed according to Joint Rule 11:

By Representatives Buskey, Turner, Kennedy, Box, Clark (W), Crigler, Pringle, Dean, Gaston and Mitchell:

H.R. 329. RECOGNIZING MOBILE, ALABAMA, AS AN "ALL AMERICA CITY."

Also:

By Representative Sims:

H.R. 330. MOURNING THE DEATH OF ROGER CLARK BRASHER OF MUNFORD, ALABAMA.

Also:

The following resolutions were introduced:

By Representative Hamilton:

H.J.R. 331. URGING THE ALABAMA CONGRESSIONAL DELEGATION TO PROPOSE AND SUPPORT LEGISLATION TO ENCOURAGE EMPLOYMENT IN THE HOME HEALTH CARE INDUSTRY IN RURAL AREAS.

The resolution, H.J.R. 331, was read and referred to the Standing Committee on Rules.

Also:

By Representative Hooper:

H.J.R. 332. URGING THE ALABAMA CONGRESSIONAL DELEGATION TO REPEAL GOALS 2,000 AS A PART OF EDUCATE AMERICA ACT.

The resolution, H.J.R. 332, was read and referred to the Standing Committee on Rules.

Also:

By Representatives Crigler, Box, Buskey, Kennedy, Dean, Gaston, Clark (W), Pringle, Turner and Mitchell:

H.J.R. 333. COMMENDING DR. REGINA M. BENJAMIN FOR OUTSTANDING SERVICE.

The resolution, H.J.R. 333, was read and referred to the Standing Committee on Rules.

Also:

By Representative Rogers (J):

H.J.R. 334. MOURNING THE DEATH OF LOUIS J. FRANCIS OF BEAUMONT, TEXAS.

The resolution, H.J.R. 334, was read and referred to the Standing Committee on Rules.

Also:

By Representatives Penry and McMillan:

H.J.R. 335. DESIGNATING OCTOBER 1995 AS ALABAMA SEAFOOD MONTH.

The resolution, H.J.R. 335, was read and referred to the Standing Committee on Rules.

Also:

By Representatives Pringle, Gaston, Crigler, Clark (W), Mitchell, Dean, Turner, Box, Kennedy and Buskey:

H.J.R. 336. COMMENDING DAVID D. ROBERTS, JR., OF MOBILE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT AND SERVICE TO THE MOBILE COMMUNITY.

The resolution, H.J.R. 336, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 603. To propose an amendment to the Constitution of Alabama of 1901, for Etowah County, providing further for license taxes on certain real estate operations and transactions.

McDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the Report of the Committee on Conference appointed to reconcile the disagreement of the two Houses on the Senate amendment to the Bill:

H. 233. To provide for a FY 1994-95 supplemental General Fund appropriation in the amount of \$9,565,000 to various state agencies; to reduce the FY 1994-95 General Fund appropriation to various state agencies by \$2,350,433; to remove an earmarking of \$300,000 for Department of Corrections; to provide for a supplemental appropriation to the Department of Corrections for \$4,500,000 from Corrections' Miscellaneous Revenues; to provide specification for the Department of Aeronautics appropriations; to provide a supplemental appropriation in the amount of \$15,000 from the Social Work Examiners Fund to the Board of Social Work Examiners; to provide a supplemental appropriation of \$60,000 from the Veterinary Medical Examiners Fund to the Board of Veterinary Medical Examiners; to provide a supplemental appropriation to the Alabama Department of Transportation in the amount of \$21,604,827 from the Public Road and Bridge Fund; to provide for a supplemental appropriation to the Department of Public Safety in the amount of \$1,500,000 from Public Road and Bridge Fund and in the amount of \$400,000 from the Automated Fingerprint Identification System Fund for the fiscal year ending September 30, 1995; to provide a supplemental appropriation to the Tennessee Valley Exhibit Commission in the amount of \$110,000 from the TVA Exhibit Commission Fund; to provide a supplemental appropriation to the Home Builders Licensure Board from the Home Builders Recovery Fund in the amount of \$300,000; to reduce the FY 1993-94 Capital Outlay General Fund appropriation to the Farmers' Market Authority by \$424,362; to reduce the FY 1993-94 Capital Outlay General Fund appropriation to the Alabama Indian Affairs Commission by \$150,000; to reduce the FY 1992-93 Capital Outlay General Fund appropriation to the Farmers' Market Authority by \$85,205; to amend Act 94-486, specifically deleting the Unified Judicial System conditional appropriation language; to amend Act 94-486, specifically the appropriation for the Alabama Agriculture Museum Board to clarify the purposes for which the appropriation was made; to provide a supplemental appropriation to the Alabama Board of Athletic Trainers from the Athletic Trainers Fund in the amount of \$35,000; to remove the requirement of a \$2,000,000 transfer from the Alcoholic Beverage Control Board to the Department of Public Safety; to provide a supplemental appropriation to the Alabama Historical Commission from the Alabama State Historical Preservation Fund in the amount of \$250,000; to provide for a conditional appropriation of an amount up to \$300,000 to the Department of Transportation from the State General Fund for the fiscal year ending September 30, 1995; to amend Act 94-486, specifically the Public Service Commission, under Administrative Services Program by increasing the transfer to the State General Fund, increasing the appropriation to the Administrative Services Program and increasing the appropriation from the Public Service Commission Fund to the Public Service Commission; to provide for a first priority conditional appropriation of \$2,500,000 to the Department of Human Resources from the State General Fund for the fiscal year ending September 30, 1995; to amend Act 94-486, specifically amending the conditional appropriation language under the Department of Human Resources; to provide for restrictions on inter-agency transfers, of any type, of any of the funds appropriated under the provisions of this act; and to provide for an effective date.

And said Bill, HB 233, together with the Conference Report, is herewith returned to the House.

McDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Presiding Officer of the Senate having signed the following Senate Bill, your signature thereto is requested:

S. 424. To further provide for the management of Alabama's marine resources; to amend Section 9-12-111, Code of Alabama 1975, relating to certain lengths of certain seines and nets, so as to further regulate the possession thereof, to provide for certain lengths thereof, to further regulate widths of certain trawls, to provide for certain confiscation and forfeiture, and to provide for certain criminal liability; to amend Section 9-12-113, Code of Alabama 1975, relating to certain fishing licenses, so as to further provide for certain fees and permits, to regulate the transfer of certain net or seine permits, to provide for certain additional requirements to be permitted, to restrict the number of permits issued and require certain decals or placards, to restrict the number of nets or seines in use at any one time, to further regulate and require the presence of the permittee in certain conditions, certain possession, and certain net or seine identification, to specify to whom certain licenses or permits may be issued and further define "nonresident," to further provide for forfeiture and alternatives thereto, to further define possession of game fish, to specify certain saltwater game fish and provide for a certain tagging system, to provide penalties for violation of certain regulations, to further provide as to certain penalties and as to certain criminal liability and to provide for a point system whereby certain licenses or permits shall be revoked under certain circumstances; to prohibit selling, buying, or trading or bartering in certain saltwater game fish and specify penalties and certain criminal liability; to amend Section 9-12-115, Code of Alabama 1975, relating to the filing of certain dealer reports, so as to further provide for and require seafood dealer reporting; to provide for certain landing and reporting requirements for certain saltwater finfish and seafood products commercially harvested in Alabama, to provide for the establishment by regulation of certain reporting procedures, to provide for certain revocation procedures, and to specify penalties and certain criminal liability; to amend Section 9-12-125, Code of Alabama 1975, relating to the seafood dealer's license, so as to further provide for the requirements and

fees therefor, to further regulate and provide for the licensing of certain vehicles from which seafood is bought or sold, and to further provide for penalties; and to provide for effective dates.

McDOWELL LEE
Secretary

SIGNING OF SENATE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Presiding Officer of the Senate having signed the following Senate Joint Resolutions, your signature thereto is requested:

S.J.R. 118. RECOGNIZING MOBILE, ALABAMA, AS AN "ALL AMERICA" CITY.

Also:

S.J.R. 119. COMMENDING DR. ANNA VACCA OF VESTAVIA HILLS, ALABAMA.

McDOWELL LEE
Secretary

SIGNING OF SENATE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolutions, the titles of which are set out in the foregoing Message from the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 532. To provide for licensure and regulation of massage therapists and massage establishments; to provide for the registration of massage therapy schools and instructors; to create the Alabama Board of Massage Therapy; to create the Alabama Board of Massage Therapy Fund; to provide for an appropriation to the Alabama Board of Massage Therapy from the Alabama Board of Massage Therapy Fund in an amount as deemed necessary for fiscal year 1995-96; to provide for the duties and powers of the board; and to prescribe penalties for violations of the act.

TOMMY CARTER
Chairman

And the bill, H. 532, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 233. To provide for a FY 1994-95 supplemental General Fund appropriation in the amount of \$13,750,000 to various state agencies; to reduce the FY 1994-95 General Fund appropriation to various state agencies by \$2,817,433; to remove an earmarking of \$300,000 for Department of Corrections; to provide for a supplemental appropriation to the Department of Corrections for \$4,500,000 from Corrections' Miscellaneous Revenues; to provide specification for the Department of Aeronautics appropriations; to provide a supplemental appropriation in the amount of \$15,000 from the Social Work Examiners Fund to the Board of Social Work Examiners; to provide a supplemental appropriation of \$60,000 from the Veterinary Medical Examiners Fund to the Board of Veterinary Medical Examiners; to provide a supplemental appropriation to the Alabama Department of Transportation in the amount of \$21,604,827 from the Public Road and Bridge Fund; to provide for a supplemental appropriation to the Department of Public Safety in the

amount of \$1,500,000 from Public Road and Bridge Fund and in the amount of \$400,000 from the Automated Fingerprint Identification System Fund for the fiscal year ending September 30, 1995; to provide a supplemental appropriation to the Tennessee Valley Exhibit Commission in the amount of \$110,000 from the TVA Exhibit Commission Fund; to provide a supplemental appropriation to the Home Builders Licensure Board from the Home Builders Recovery Fund in the amount of \$300,000; to reduce the FY 1993-94 Capital Outlay General Fund appropriation to the Farmers' Market Authority by \$224,362; to reduce the FY 1993-94 Capital Outlay General Fund appropriation to the Alabama Indian Affairs Commission by \$150,000; to reduce the FY 1992-93 Capital Outlay General Fund appropriation to the Farmers' Market Authority by \$85,205; to amend Act 94-486, specifically the Unified Judicial System conditional appropriation language by reducing the amount of the conditional appropriation; to provide a supplemental appropriation to the District Attorneys in the amount of \$25,000 from the State General Fund; to provide a supplemental appropriation to the Alabama Board of Athletic Trainers from the Athletic Trainers Fund in the amount of \$35,000; to remove the requirement of a \$2,000,000 transfer from the Alcoholic Beverage Control Board to the Department of Public Safety; to provide a supplemental appropriation from the Farmers' Market Authority Fund to the Farmers' Market Authority in the amount of \$50,000; to amend Act 94-486, specifically the Public Service Commission, under Administrative Services Program by increasing the transfer to the State General Fund; to provide a supplemental appropriation in the amount of \$630,000 from the Public Service Commission Fund to the Public Service Commission; to appropriate the sum of \$150,000 from the Multiple Needs Children Fund to the Alabama Children's Services Facilitation Team; to amend Act 94-486, specifically the appropriation for the Alabama Agriculture Museum Board clarifying the purposes for which the appropriation was made; to provide for restrictions on inter-agency transfers, of any type, of any of the funds appropriated under the provisions of this act; and to provide for an effective date.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Report of the Standing Committee on Rules.

CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the House Bill and House Joint Resolutions mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

**REGULAR SESSION
23rd Day**

2655

Delivered to the Governor at 10:15 A.M. on June 29, 1995.

H. 466

H. 380

Delivered to the Governor at 2:48 P.M. on June 29, 1995.

H.J.R. 274 H.J.R. 313

H.J.R. 299 H.J.R. 314

H.J.R. 303 H.J.R. 315

H.J.R. 316 H. 693

H.J.R. 305

Delivered to the Governor at 4:15 P.M. on June 29, 1995.

H.J.R. 286

H. 679

Delivered to the Governor at 4:57 P.M. on June 29, 1995.

H. 662

H. 665

H. 673

H. 697

H. 839

Delivered to the Governor at 6:01 P.M. on June 29, 1995.

H. 233

GREG PAPPAS
Clerk

ADJOURNMENT

On motion of Representative White, the House adjourned until 1:00 o'clock p.m., Tuesday, July 11, 1995.

TWENTY-FOURTH DAY

**House of Representatives
Montgomery, Alabama
Tuesday, July 11, 1995**

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Father Charlie Walton, St. Luke's Episcopal Church, Scottsboro, Alabama.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Adam Cowart, 8th Grade, Vestavia Pizitz Middle School, Birmingham, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the twenty-third legislative day and finds the same to be correct.

TOMMY CARTER
Chairman

On motion of Representative Ford, the reading at length of the Journal of the House for the twenty-third legislative day was dispensed with.

LEAVES OF ABSENCE

At the request of Representative Knight (J), leave of absence was granted for Representative Holmes.

Also:

At the request of Representative Ford, leave of absence was granted for Representative Carter.

MOTION TO RECESS ADOPTED

The motion offered by Representative Hammett that the House recess at 1:25 o'clock p.m. for a Joint Session was adopted.

MOTION TO ADJOURN ADOPTED

The motion offered by Representative Hammett that when the House adjourns today, it adjourns to meet again at 1:00 o'clock p.m. on Wednesday, July 12, 1995, was adopted.

RESOLUTIONS

The following resolution was introduced:

By Representative Hammett:

H.J.R. 337. RELATIVE TO MEETING DAYS.

24th Day

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when the two houses adjourn Thursday, July 13, 1995, they adjourn to meet again on Tuesday, July 25, 1995, and when they adjourn on Tuesday they adjourn to meet again on Wednesday, July 26, 1995, and when they adjourn on Wednesday they adjourn to meet again on Thursday, July 27, 1995, and when they adjourn on Thursday they adjourn to meet again on Monday, July 31, 1995.

On motion of Representative Hammett, the rules were suspended and the resolution, H.J.R. 337, was adopted.

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

By Representatives Hammett, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (J), Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren:

H.R. 338. EXTENDING BEST WISHES TO OUR FRIEND, REPRESENTATIVE TOMMY CARTER.

Also:

By Representatives Hammett, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (J), Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren:

H.R. 339. EXTENDING BEST WISHES TO OUR FRIEND,
REPRESENTATIVE ALVIN HOLMES.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 339. Reopening the Employees' Retirement System to allow certain active and vested members of the system to purchase certain credit in the system for service rendered to the State Economic Opportunity Office.

Also:

H. 415. Providing for a board of education for the City of Decatur, to be elected by the qualified electors of the city; providing that the members of the board shall be elected from defined school districts; providing for the terms of office, qualifications, and compensation of the members; prescribing procedures for electing members and for filling vacancies on the board; providing for board representation for persons not residing within a specific school district; providing certain immunity for board members; and providing for financial audits of the records of the board.

Also:

H. 417. Relating to the City of Decatur; to provide for the abatement of grass and weeds which become a nuisance under certain conditions; to provide for notice to the property owners; to provide for the assessment of the costs for abatement when the work is required to be performed by the city; and to provide for liens on the property under certain conditions.

Also:

H. 707. To propose and provide for the submission of an amendment to the Constitution of Alabama of 1901; to grant certain powers and authority to Walker County and each municipality situated wholly therein relating to the acquisition, leasing, sale, and development of industrial sites and industrial park projects; and to specify that actions authorized by this amendment taken subsequent to January 1, 1995, are ratified.

McDOWELL LEE
Secretary

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 92. CREATING A JOINT LEGISLATIVE STUDY COMMITTEE TO EVALUATE THE NEEDS OF INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES AND THEIR FAMILIES.

On motion of Representative Ford, the House concurred in and adopted the resolution, S.J.R. 92.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 300. URGING THE ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT TO DENY A PERMIT FOR A SEWAGE TREATMENT FACILITY NEAR SMITH LAKE.

WHEREAS, a proposed permit for a sewage treatment facility near Smith Lake being considered by the Alabama Department of Environmental Management (ADEM) threatens to degrade the water quality of the lake; and

WHEREAS, Smith Lake remains one of the cleanest in the state, a precious resource that should be preserved and protected at any cost; and

WHEREAS, in addition to lake area residents, Jefferson County, which obtains some of its water supply from Smith Lake, would be adversely impacted by any ADEM action that would potentially lessen the water quality of the lake; and

WHEREAS, in addition to Jefferson County's reliance on the lake as a clean water source, the City and County of Cullman are currently planning for an additional source of water, which could be provided by the lake if its water quality remains high; and

WHEREAS, the economy of the Cullman area and other governmental and community entities adjacent to the lake depend on its continued high water quality to retain resort, vacation, and permanent residents on or near the lake; and

WHEREAS, the need for economic growth should be balanced carefully with the need for continued safety of the water in Smith Lake; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby strongly urge ADEM to deny any pending or future application for a permit of a sewage treatment facility in the Smith Lake vicinity that would ultimately discharge directly or indirectly into the lake, and direct that a copy of this resolution be sent to the Alabama Department of Environmental Management, Water Quality Division.

On motion of Representative Ford, the resolution, H.J.R. 300, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 324. CREATING ALABAMA COASTAL AREA EROSION TASK FORCE.

WHEREAS, the State of Alabama has some of the most beautiful beaches in the world; the beaches provide a valuable economic asset to the state, as well as enhance the quality of life for our state's residents; and

WHEREAS, the beaches and dunes of the Alabama coastal area provide a level of storm protection for public and private property in the area; and

WHEREAS, Alabama is one of the few coastal states not having a comprehensive shoreline management plan or a designated agency responsible for managing this valuable resource; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Alabama Coastal Area Erosion Task Force is created. The Task Force shall be composed of a representative from each of the following entities, agencies, or divisions of an agency:

(1) United States Army Corps of Engineers.

(2) Environmental Protection Agency, Gulf of Mexico Program.

(3) Alabama Department of Economic and Community Affairs.

(4) Alabama Department of Environmental Management.

(5) Lands Division, Alabama Department of Conservation and Natural Resources.

(6) Marine Resources Division, Alabama Department of Conservation and Natural Resources.

- (7) Alabama Geological Survey.
- (8) Marine Science Environmental Consortium.
- (9) University of South Alabama.
- (10) Division of Civil Engineering, Alabama Department of Transportation.
- (11) Alabama State Docks.
- (12) Baldwin County Commission.
- (13) Mobile County Commission.
- (14) Town of Dauphin Island.
- (15) City of Gulf Shores.
- (16) City of Orange Beach.
- (17) Mobile County Legislative Delegation.
- (18) Baldwin County Legislative Delegation.

The task force shall meet within 60 days following passage of this resolution and shall elect a chair, vice-chair and other officers it deems necessary. Thereafter, the task force shall elect such officers each January to serve one year until successors are elected.

The task force shall meet on the call of the chair or a majority vote of its members.

The task force shall adopt rules of proceedings and keep records of its meetings.

The task force shall perform the following duties:

- (1) Exchange information and technical results of studies or analysis of shoreline changes.
- (2) Investigate the feasibility of developing a shoreline management plan for the state.

On motion of Representative Ford, the resolution, H.J.R. 324, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 320. REQUESTING THE HELP OF THE DEPARTMENT OF TRANSPORTATION IN CONTROLLING CANADIAN THISTLE, MUSK THISTLE, AND TROPICAL SODA APPLE WEEDS.

WHEREAS, the proliferation of Canadian Thistle, Musk Thistle, and Tropical Soda Apple Weeds threaten the agricultural industry in Alabama due to potential wide-spread infestation of cattle grazing areas; and

WHEREAS, Canadian Thistle Weeds and Musk Thistle Weeds are both extremely aggressive, creeping perennial weeds covered in stickers which infest crops, pastures, rangelands, roadsides, and new-crop areas; Canadian Thistle alone threatens 27 crops in 37 countries, reducing forage consumption in grass and rangelands because cattle will not graze in areas of infestation; and

WHEREAS, equally threatening is the Tropical Soda Apple Weed, widespread in Florida but a very new problem in Alabama, presently found in only seven counties; this weed is a perennial shrub reducing foliage by 90 percent which has already infested 500,000 acres of improved pastures in Florida; and

WHEREAS, these thistle and Tropical Soda Apple Weeds require immediate comprehensive weed management techniques of prevention, control, and eradication; and

WHEREAS, the most effective weed management measure is to prevent the reseeding of these noxious plants; and

WHEREAS, the Department of Transportation could render valuable assistance in the management of these and other dangerous weeds by establishing immediately a program of weed control and management on all state rights-of-way; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Department of Transportation is requested to render every possible assistance in the control and management of Canadian Thistle, Musk Thistle, and Tropical Soda Apple Weeds in Alabama.

RESOLVED FURTHER, That a copy of this resolution be sent to the Director of the Department of Transportation so that our expectations are conveyed.

On motion of Representative Ford, the resolution, H.J.R. 320, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 331. URGING THE ALABAMA CONGRESSIONAL DELEGATION TO PROPOSE AND SUPPORT LEGISLATION TO ENCOURAGE EMPLOYMENT IN THE HOME HEALTH CARE INDUSTRY IN RURAL AREAS.

WHEREAS, medical service providers are scarce in the rural areas of Alabama and other segments of the country; and

WHEREAS, many retired persons living in rural areas could and would be employed in the home health care industry if they were not penalized by current laws and regulations reducing Social Security benefits and imposing other disincentives due to their employment and earning of additional income; and

WHEREAS, the resulting overall benefit to the Federal Treasury due to reduced Medicaid and Medicare costs for in-patient nursing home services would offset any additional costs created by legislation encouraging such employment in rural areas; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we encourage the Alabama Congressional Delegation to propose and support federal legislation that would encourage employment of retired persons in the home health care industry in rural areas by eliminating the imposition of penalties or disincentives that result in reduced Social Security and other benefits.

RESOLVED FURTHER, That a copy of this resolution be sent to each member of the Alabama Delegation of the United States Congress.

On motion of Representative Ford, the resolution, H.J.R. 331, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.R. 321. REQUESTING THE HELP OF THE DEPARTMENT OF TRANSPORTATION IN CONTROLLING CANADIAN THISTLE, MUSK THISTLE, AND TROPICAL SODA APPLE WEEDS.

WHEREAS, the proliferation of Canadian Thistle, Musk Thistle, and Tropical Soda Apple Weeds threaten the agricultural industry in Alabama due to potential wide-spread infestation of cattle grazing areas; and

WHEREAS, Canadian Thistle Weeds and Musk Thistle Weeds are both extremely aggressive, creeping perennial weeds covered in stickers which infest crops, pastures, rangelands, roadsides, and new-crop areas; Canadian Thistle alone threatens 27 crops in 37 countries, reducing forage consumption in grass and rangelands because cattle will not graze in areas of infestation; and

WHEREAS, equally threatening is the Tropical Soda Apple Weed, widespread in Florida but a very new problem in Alabama, presently found in only seven counties; this weed is a perennial shrub reducing foliage by 90 percent which has already infested 500,000 acres of improved pastures in Florida; and

WHEREAS, these thistle and Tropical Soda Apple Weeds require immediate comprehensive weed management techniques of prevention, control, and eradication; and

WHEREAS, the most effective weed management measure is to prevent the reseeding of these noxious plants; and

WHEREAS, the Department of Transportation could render valuable assistance in the management of these and other dangerous weeds by establishing immediately a program of weed control and management on all state rights-of-way; now therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, That the Department of Transportation is requested to render every possible assistance in the control and management of Canadian Thistle, Musk Thistle, and Tropical Soda Apple Weeds in Alabama.

RESOLVED FURTHER, That a copy of this resolution be sent to the Director of the Department Transportation so that our expectations are conveyed.

On motion of Representative Ford, the resolution, H.R. 321, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 333. COMMENDING DR. REGINA M. BENJAMIN FOR OUTSTANDING SERVICE.

WHEREAS, in 1990, Dr. Regina M. Benjamin opened her own medical practice in Bayou LaBatre, Alabama, where she felt her presence could make a difference, and where she has devoted a major portion of her life in dedicated public service to others; and

WHEREAS, a native of Daphne, Alabama, Dr. Benjamin received her B.S. degree with honors from Xavier University, an M.D. degree from the University of Alabama, Birmingham, and an MBA from Tulane University; and

WHEREAS, Dr. Benjamin has garnered numerous honors and awards in recognition of her accomplishments, including Kellogg National Fellow, American Foundation for Negro Affairs Scholar; selection for Leadership Alabama 1991-92, and as first runner-up in Alabama's Junior Miss competition; and membership in Beta Beta Beta and Alpha Epsilon Delta, to name but a few; and

WHEREAS, she has also established an unparalleled record of leadership and involvement in numerous organizations, including the Mobile County Medical Society, Governor's Health Care Reform Task Force, Federation of State Licensing Boards, Mobile Chamber of Commerce, American Red Cross, Mobile 2000, and the United Way of Mobile, among countless others; and

WHEREAS, Dr. Regina M. Benjamin is truly a throw-back to a bygone era: a country doctor with a heart and a willingness to make house calls; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Dr. Regina M. Benjamin, who has played a vital role in the formation, growth, and progress of the community, and do furthermore direct that she receive a copy of this resolution, executed in admiration of her many outstanding accomplishments, and with sincere best wishes for every future happiness and success in life.

On motion of Representative Ford, the resolution, H.J.R. 333, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 334. MOURNING THE DEATH OF LOUIS J. FRANCIS OF BEAUMONT, TEXAS.

WHEREAS, it is with deep personal sadness that the Legislature of Alabama records the death of Louis Joseph Francis of Beaumont, Texas, June 10, 1995, at the age of 55; and

WHEREAS, Louis Francis, the son of Mr. Aheart Francis and the late Mrs. Gertrude Francis, graduated from Blessed Sacrament High School in 1959, and was a devoted servant at Blessed Sacrament Catholic Church, where he served as altar boy; and

WHEREAS, Mr. Francis earned a well-deserved reputation for high standards of business and professional conduct, and served his country with honor while in the United States Navy before his medical retirement; he also provided a valuable service to area citizens while employed with the New York City Transit for 26 years; and

WHEREAS, Louis Francis was a faithful member of Arcacia Lodge Number 14 for several years, and was also an active member of Saint Mary's Parish, where his good deeds with the Bringing of Gifts earned him the respect and admiration of those countless individuals whose lives he touched through genuine care and concern; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Louis Joseph Francis of Beaumont, Texas, and extend our heartfelt sympathy to his devoted wife, Mary Francis of Fairfield, Alabama; daughters Sheila, Jacqueline, and Elizabeth; stepdaughter, Pamela, and stepson, Tracy; brother, James Francis; father, Aheart Francis; as well as a host of other relatives and friends, for whom a copy of this resolution of sincere condolence shall be provided.

On motion of Representative Ford, the resolution, H.J.R. 334, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 335. DESIGNATING OCTOBER 1995 AS ALABAMA SEAFOOD MONTH.

WHEREAS, the commercial and recreational seafood industries of Alabama have a tremendous economic impact, providing approximately \$300,000,000 each annually (\$600,000,000 annually combined); and

WHEREAS, between 300 and 400 commercial vessels fish offshore in Alabama, consisting of about 2,500 commercial fishermen; and 60 seafood processing plants statewide employ 1,600 to 2,000 people; and

WHEREAS, there are 33,000 persons licensed for recreational fishing in Alabama; and 50 or more charter boats average about 100 fishing trips per boat each year; and

WHEREAS, a significant economic benefit accrues to Alabama each year as a result of the 20 or more marine fishing tournaments held off Alabama's shores; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of the many benefits accruing to the state due to the commercial and residential seafood industries, the month of October 1995 is officially designated "Alabama Seafood Month."

BE IT FURTHER RESOLVED, That a copy of this resolution be sent as a token of our pride and appreciation to the Marine Resources Division of the Department of Conservation and Natural Resources.

On motion of Representative Ford, the resolution, H.J.R. 335, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 336. COMMENDING DAVID D. ROBERTS, JR., OF MOBILE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT AND SERVICE TO THE MOBILE COMMUNITY.

WHEREAS, the Legislature of Alabama, in consensus of commendation, recognizes David D. Roberts, Jr., of Mobile, Alabama, for his outstanding achievement and service to the Mobile community; and

WHEREAS, David Roberts serves as Senior Vice President of Roberts Brothers, Inc., of Mobile, Alabama, the firm he founded in 1946, which, through his diligent hard work and dedication, has earned the distinction as one of Alabama's largest and most successful real estate firms; and

WHEREAS, Mr. Roberts, who earned both C.P.M. and G.R.I. designations, has served with distinction as President of the Alabama Association of Realtors, the Mobile County Board of Realtors, and the Gulf Coast Chapter of the Institute of Real Estate Management, and was inducted into the Realtors National Honor Society of Omega Tau Rho, and acknowledged and admired as Alabama's Realtor of the year in 1986; and

WHEREAS, for the past 15 years David Roberts has contributed countless hours of service to the Boy Scouts of America, where his contributions have been of incalculable worth in service as Scoutmaster and as President of the Mobile Area Council, and, in tribute, he was awarded adult scout's highest honor, the Silver Beaver Award; and

WHEREAS, Mr. Roberts also was Director of the Mobile Better Business Bureau, received the M.O. Beale Scroll of Merit for civic achievement, and was an active member of Dauphin Way United Methodist Church in Mobile, Alabama, among numerous other worthy endeavors; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of his many accomplishments, and extraordinary service to the Mobile community, we hereby most highly commend David D. Roberts, Jr. of Mobile, Alabama, for whom a copy of this resolution shall be provided.

On motion of Representative Ford, the resolution, H.J.R. 336, was adopted.

BILLS ON SECOND READING

Representative Hooper, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 921. (With Amendment): To amend Section 12-17-220 of the Code of Alabama 1975, relating to powers of district attorneys; to provide that the Legislature may be local law provide for the disciplining of persons employed by the district attorneys of this state.

Representative Flowers, Chairperson of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 935. (With Substitute): To provide for the Alabama Bill of Rights Act for persons with developmental disabilities and traumatic brain injury.

Representative Carns, Chairperson of the Standing Committee on Industrial Development and Economic Growth, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 97. To amend Section 11-54-80 of the Code of Alabama 1975, providing for the organization of industrial development boards by municipalities for the purpose of financing industrial and commercial development projects, to further provide for the definition of project.

Representative Dukes, Chairperson of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 936. (With Amendment): To authorize the mayor of any Class 1, 2, or 3 municipality, subject to budget restraints approved by the governing body, to make cash or non-cash awards to employees of the municipality in recognition of exemplary performance or for innovations that significantly reduce costs or result in outstanding improvements in services to the public.

Representative White, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 661. Relating to Perry County; proposing an amendment to the Constitution of Alabama of 1901; authorizing the Perry County Commission to levy a three mill ad valorem tax for fire protection.

The above bill was read a second time at length as required by the Constitution.

H. 914. Relating to the Fourteenth Judicial Circuit; to provide for funding for the Office of the District Attorney by the Walker County Commission; to provide a method for determining amounts; and to provide factors to be used in determining the adequacy of the amount.

H. 916. Relating to Randolph County; authorizing the sheriff to operate a jail store for prisoners in county custody; providing for the deposit, distribution, and auditing of monies earned; and confirming and ratifying certain prior actions.

H. 923. Relating to Cherokee County; relating to the compensation and expense allowance for the Sheriff of Cherokee County; to further provide for an additional expense allowance and expiration date therefor and the sheriff's compensation in the next term of office.

H. 942. Relating to Henry County and the county law library fund in Henry County; and to provide that a portion of the county law library fund be used for the upkeep of the courtrooms in the county.

H. 943. Relating to Henry County; to amend Act No. 83-558, H. 772 of the 1983 Regular Session (Acts 1983, p. 856), providing for the pistol permit fee of the sheriff and for the distribution of the fees.

S. 20. To alter, rearrange, and extend the boundary lines and corporate limits of the City of Ozark in Dale County.

Representative Knight (A), Chairperson of the Standing Committee on Commerce, Transportation and Utilities, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 55. To amend Section 40-23-1, Code of Alabama 1975, to clarify that the state sales tax would not apply to the use or consumption of a manufactured product by the manufacturer thereof if used in quality control testing or if given to certain charitable entities.

Representative Knight (A), Chairperson of the Standing Committee on Commerce, Transportation and Utilities, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

S. 88. (With Amendments): To provide that an incorporated municipality may regulate and license junkyards within its police jurisdiction to the same extent as if the junkyard located in its corporate limits and a county may regulate and license junkyards outside the police jurisdiction of municipalities in the county to the same extent; and to exempt scrap metal processors.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 615. To exempt the Thomasville Civic Center Foundation from the payment of all state, county, and municipal sales and use taxes.

WHEREAS, the Thomasville Civic Center Foundation is a noteworthy charitable organization whose civic contributions to the state, county, and Thomasville area are too numerous to list; and

WHEREAS, even in these times of financial hardship, the Thomasville Civic Center Foundation justly deserves to be exempt from the state, county, and municipal sales and use taxes; now therefore,

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 731. (With Substitute): To amend Sections 16-13-62, 16-13-64, and 16-13-65, Code of Alabama 1975, relating to the local funding of public schools, to provide further for the minimum amount of local funding.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 578. To amend Section 40-12-264, Code of Alabama 1975, relating to the issuance of dealer license plates; to allow a licensed motor vehicle wholesaler who is also licensed as a motor vehicle dealer to obtain dealer plates based on combined retail and wholesale sales of motor vehicles.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with amendment, and they were severally read a second time and placed on the Calendar, to-wit:

H. 394. (With Amendment): To amend Section 13 of Act No. 94-804 of the 1994 First Special Session, now appearing as Section 36-18-32 of the Code of Alabama 1975; to create the Judicial Education Trust Fund and the Sheriffs' Education Trust Fund; to increase the assessment fee on certain municipal, district, and circuit court cases and to specify the distribution and use of the fees; and to make appropriations for the fiscal year ending September 30, 1995.

H. 848. (With Amendment): To create the Alabama Drug Education and Awareness Oversight Council; to provide for membership, powers, and functions of the council; to provide for grants for drug education and awareness programs from state appropriations; and to provide for assistance to the council.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with substitute, and they were severally read a second time and placed on the Calendar, to-wit:

H. 258. (With Substitute): To make an appropriation of \$543,253 from the Alabama Special Educational Trust Fund to the Project DARE and the DON'T-Madison County drug education programs for the fiscal year ending September 30, 1996, and to require an operations plan and audited financial statement prior to release of any funds.

H. 243. (With Substitute): To make an appropriation of \$1,804,678 from the Alabama Special Educational Trust Fund for the support and maintenance of the Special Schools for Special Education for the fiscal year ending September 30, 1996 and, to require an operations plan and audited financial statement prior to release of any funds.

H. 263. (With Substitute): To make an appropriation of \$24,440 from the Alabama Special Educational Trust Fund to three YMCA programs and one Boys and Girls Club program for the fiscal year ending September 30, 1996, and requires an operations plan and audited financial statement prior to release of any funds.

H. 724. (With Substitute): To make an appropriation from the Alabama Special Educational Trust Fund in the sum of \$300,000 for the support and maintenance of the Birmingham Children's Theatre for the fiscal year ending September 30, 1996, and to require an operations plan and audited financial statement prior to release of any funds.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 823. To make an appropriation in the amount of \$50,000 from the Alabama Special Educational Trust Fund to the Educational Resources, Inc. for the fiscal year ending September 30, 1996, and to require an operations plan and audited financial statement prior to release of any funds.

H. 832. To make an appropriation of \$75,000 from the Alabama Special Educational Trust Fund to the Alabama Humanities Foundation for the fiscal year ending September 30, 1996, and to require an audited financial statement and operations plan prior to release of any funds.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 668. (With Substitute): To make an appropriation from the Alabama Special Educational Trust Fund in the State Treasury to the Alabama Sports Festival in the amount of \$82,800 for the fiscal year ending September 30, 1996.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 868. Relating to general provisions under contracts; to provide that a party to a contract required to reimburse another party for certain federal manufacturer's taxes has an option to time those payments to precede immediately the other party's requirement to remit such taxes to the Internal Revenue Service; to provide for a right to security under contracts for payment of such taxes; and to provide for an effective date.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 200. (With Substitute): To amend Section 40-21-83 of the Code of Alabama 1975, to provide further for certain utility tax exemptions.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 232. To allow state employees who have received appropriate training and who volunteer for American Red Cross operations paid leave.

H. 28. To amend Section 12-17-274, Code of Alabama 1975, to provide further for the compensation of official court reporters.

S. 338. Relating to the offenses of driving a vehicle while under the influence of alcohol or a controlled substance; to amend Section 32-5A-191, Code of Alabama 1975 so as to increase the fines for such offenses and to lower the blood alcohol level at or above which a person is prohibited from operating a motor vehicle from 0.10 to 0.08; providing for the distribution of the additional fines; providing for the creation of the Alabama Chemical Testing Training and Equipment Trust Fund Advisory Board and the Alabama Chemical Testing Training and Equipment Trust Fund; providing for the composition and duties of the board; and appropriating \$900,000 from the Alabama Chemical Testing Training and Equipment Trust Fund to the Department of Forensic Sciences for the fiscal year ending September 30, 1996.

H. 278. To make an appropriation from the State General Fund in an amount sufficient to pay the net interest due the federal government as computed in accordance with the provisions of the Cash Management Improvement Act of 1990, Public Law 101-453 and authorize the director of finance to provide the necessary administration to ensure full compliance with all the provisions of Public Law 101-453.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 352. (With Substitute): To exempt the American Bowling Congress from the payment of all state, county, and municipal sales and use taxes.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 461. To exempt Youth for Christ of Tuscaloosa from the payment of all state, county, and municipal sales and use taxes.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 608. (With Amendment): Relating to the surface mining of minerals by amending Sections 9-16-2, 9-16-5, 9-16-7, 9-16-8, and 9-16-12 of the Code of

Alabama 1975, to modify the definition of operator and to include new definitions; to authorize the Department of Industrial Relations to require certain information from applicants seeking permits to engage in surface mining operations; to increase the cost of a permit for a surface mining operation by a certain additional acreage fee; to prescribe criteria for denying permits; to modify requirements for grading and revegetating lands after mining; to increase the performance bonds required of operators; to authorize qualified reclamation inspectors to make inspections for bond releases; and to place certain fees, civil monetary penalties, and certain appropriations by the Legislature in a special revenue trust fund in the state treasury to be known as the Alabama Non-Fuel Minerals Surface Mining Fund that shall be available to the Department of Industrial Relations.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 743. To amend Section 32-5A-191.1 of the Code of Alabama 1975, relating to additional fines on persons convicted of offenses involving driving under the influence; and to provide for an increase of the fine.

H. 837. This bill amends Section 16-5-8 of the Code of Alabama 1975 to give the Alabama Commission on Higher Education the statutory authority to establish minimum productivity standards concerning the viability of programs offered by public two-year and four-year institutions. This bill requires institutions to file an annual report to the Alabama Commission on Higher Education which will specify the institutions intentions concerning any program deemed non-viable based on these standards. The institution must include in the report plans to voluntarily terminate the non-viable program or an explanation of the rational for continuing the non-viable program. This bill also establishes a Permanent Joint Interim Legislative Committee for Appeals on Higher Education to consider appeals from institutions concerning a decision by the Commission as to the minimum productivity standards for viable programs.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 571. (With Amendment): To reopen the Teachers' Retirement System for purchase of prior service credit by an active and contributing member of the Cooperative Extension Service of Auburn University; to provide for the cost of purchasing the prior service credit; and to provide for the expiration of this act.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 641. To make a conditional appropriation of \$250,000 from the State General Fund in the State Treasury to the Diabetes Trust Fund for the fiscal year ending September 30, 1996.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 544. (With Amendment): To create the Alabama Commission on Historically Black Colleges and Universities; provide for creation of an advisory council; establish of a board of directors; provide for appointment to the board of directors; provide for the powers and duties of the commission; and appropriate \$2,000,000 from the Alabama Special Educational Trust Fund.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 429. (With Substitute): To prohibit a former public official or public employee of the state from acting as attorney for any person other than himself or herself or the state, and from aiding, counseling, advising, consulting or assisting in representing any other person in connection with any judicial proceeding or other matter in which the state is a party or has a direct and substantial interest and in which the former public official or public employee participated personally and substantially as a public official or employee.

To prohibit a former public official or public employee of the state from, within two years after termination of office or employment, acting as attorney for any person other than himself or herself or the state, and from aiding, counseling, advising, consulting or assisting in representing any other person in connection with any judicial proceeding or other matter in which the state is a party or has a direct and substantial interest and which was within or under the public official or public employee's official responsibility as an official or employee.

To allow the Attorney General to waive the application of this bill to a public official or public employee under certain circumstances.

To provide that actions for violations of its provisions may be instituted by the Attorney General or the District Attorneys, that a violation shall be a Class C felony and to bar retention or recovery of compensation for services rendered in violation thereof.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute and amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 853. (With Substitute) (With Amendment): To make a conditional appropriation from the Alabama Special Educational Trust Fund in the State Treasury to the Postsecondary Education Equity Fund of an amount up to six million dollars (\$6,000,000) for the fiscal year ending September 30, 1995.

Representative Dukes, Chairperson of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 909. (With Amendment): To amend Section 11-50-313 of the Code of Alabama 1975, to allow the restructuring and appointment of members of the waterworks and sewer board pursuant to local legislation.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 603. To propose an amendment to the Constitution of Alabama of 1901, for Etowah County, providing further for license taxes on certain real estate operations and transactions.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Report of the Standing Committee on Rules.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time and referred to appropriate standing committees as follows:

By Representative Guin (With Notice and Proof):

H. 946. Relating to Walker County enacting and levying a two percent privilege license, or excise tax against persons, firms, or corporations storing, using, or otherwise consuming or engaging in the business of selling at retail tangible personal property or conducting places of amusement in Walker County, Alabama; providing that said taxes be collected by the Walker County Commission and distributed among the Walker County Commission, all county municipalities, all volunteer and professional fire departments, all rescue squad organizations, and for industrial development of Walker County, Alabama, and to provide for an advisory referendum.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 946, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Morrow (With Notice and Proof):

H. 947. Relating to the Franklin County Commission; to provide for five commissioners elected from single-member districts effective with the election in November 1996; to provide for the boundaries of the five commission districts; to provide for the selection of the chair; to provide for the salary of the commissioners; to provide for a referendum election; and to repeal all conflicting law.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 947, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Letson (With Notice and Proof):

H. 948. Relating to Lawrence County; to provide for the collection of any sales and use tax levied by the county commission.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 948, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Morrison (With Notice and Proof):

H. 949. Relating to Cullman County; providing further for the distribution and expenditure of new growth money received from the Tennessee Valley Authority in lieu of ad valorem tax payments and amending Section 1 of Act No. 896, S. 776 of the 1978 Regular Session (Acts 1978, p. 1333).

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 949, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Morrison (With Notice and Proof):

H. 950. Relating to Cullman County; to further provide for the sheriff's compensation in the next term of office.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 950, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Bandy (With Notice and Proof):

H. 951. Relating to Lee County; to create a license-issuing division within the Office of the Judge of Probate for the issuance of certain licenses; to provide for the selection of personnel for the license-issuing division; to provide certain duties for the division; to provide for an optional procedure for the renewal of motor vehicle licenses in the county by mail; to authorize certain additional fees and costs pursuant to the system of renewal of motor vehicle licenses by mail; to prescribe more convenient and efficient procedures for the assessing and collecting of certain taxes; to transfer certain duties and responsibilities now performed by the tax assessor or tax collector or any successor office to the judge of probate; to provide that the Office of the Judge of Probate shall not be assessed certain monetary loss caused by errors or omissions caused without the personal knowledge of the officer; and to compensate the judge of probate an additional fifteen thousand dollars (\$15,000) annually.

COMMITTEE ON LOCAL LEGISLATION NO. 8

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 951, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Papucci (With Notice and Proof):

H. 952. Relating to Limestone County; to provide further for the office of the county superintendent of education.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 952, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Johnson (R) (With Notice and Proof):

H. 953. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Sylacauga, Talladega County.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 953, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Clouse (With Notice and Proof):

H. 954. Relating to the City of Dothan in Houston County, amending Act No. 93-684 of the 1993 Regular Session, to provide further for the manner of electing the members of the Dothan City Board of Education.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 954, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives Guin and Hogan (With Notice and Proof):

H. 955. Relating to Walker County; to provide for the distribution of a portion of any tonnage fee collected at any private landfill in the county for the purpose of providing an annual bonus to county employees.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 955, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Minnifield:

H. 956. To make a supplemental appropriation from the General Fund in the State Treasury to the MAX Intermodal Passenger Facility for the fiscal year ending September 30, 1995.

COMMITTEE ON WAYS AND MEANS

By Representative Black (L) (With Notice and Proof):

H. 957. Relating to Sumter County; to amend Section 4 of Act No. 83-480, H. 669, 1983 Regular Session Acts 1983, p. 672), levying a fee on all hazardous and nonhazardous waste stored, deposited, or dumped at a site presently known as Chemical Waste Management, Inc., near Emelle; to further provide for the distribution of the fees.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 957, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Crigler (With Notice and Proof):

H. 958. Relating to the pension and relief system for policemen and firemen of the City of Mobile, in Mobile County, and eligibility for a service-connected disability; further amending Section 13 of Act No. 243, H. 278 of the 1964 First Special Session (Acts 1964, p. 326) providing for disabilities and the years for continuous service for police officers to qualify therefor.

COMMITTEE ON LOCAL LEGISLATION NO. 3

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 958, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Thomas (J) (With Notice and Proof):

H. 959. Relating to Dallas County; amending Act No. 94-669, H.923, 1994 Regular Session, which provides for a special transaction fee on certain public business to provide that the fee shall be paid to the County License Commissioner and to provide for a retroactive effect.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 959, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Thomas (J) (With Notice and Proof):

H. 960. Relating to Dallas County; to provide for the investment of interest on interest-bearing accounts collected by the Circuit Clerk of Dallas County; to provide for the distribution of the interest of the investment; to establish a special fund; and to specify uses and restrictions of the funds.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 960, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives Warren and Jackson (With Notice and Proof):

H. 961. Relating to Monroe County; providing for the establishment of a consolidated and unified system for assessment and collection of taxes under the supervision of an elected county official designated as county revenue commissioner; providing for the election, power, duties, term of office and compensation of the official; combining the offices of tax assessor and tax collector for that purpose; and providing for a referendum on the act.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 961, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Jackson (With Notice and Proof):

H. 962. Providing for the election of the board of education of the City of Thomasville; providing that the members of the board shall be elected from defined school districts; providing for the terms of office, qualifications, and compensation of the members; prescribing procedures for electing the members and for filling vacancies on the board; providing for board representation for persons not residing within a school district; providing for financial audits of the records of the board; and providing that this act shall become effective upon the ratification of an amendment to the Constitution of Alabama of 1901, authorizing an elected board of education for the City of Thomasville.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 962, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Turner (With Notice and Proof):

H. 963. Relating to Mobile County; amending Section 2 of Act No. 81-132, H. 229 of the 1981 Regular Session (Acts 1981, p. 152), regulating the operation and licensing of massage parlors in Mobile County, to further provide for definitions and exceptions.

COMMITTEE ON LOCAL LEGISLATION NO. 3

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 963, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Letson:

H. 964. To authorize the use of certain standard or optional equipment, including certain lights and reflectors containing colors of red or blue, or a combination of red and blue, only on certain authentic antique motor vehicles.

COMMITTEE ON HIGHWAY SAFETY

By Representative Clark (W) (With Notice and Proof):

H. 965. Relating to the City of Prichard; creating the Prichard Transportation Authority; and providing for the composition, terms, duties, and powers of the authority.

COMMITTEE ON LOCAL LEGISLATION NO. 3

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 965, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Clark (W) (With Notice and Proof):

H. 966. Relating to the City of Prichard; creating the Prichard Communication Authority; providing for the authority's composition, terms, duties, and powers; and providing for funding for the operation of the authority.

COMMITTEE ON LOCAL LEGISLATION NO. 3

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 966, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives Jackson, Hayden, and Black (L) (With Notice and Proof):

H. 967. Relating to Marengo County; authorizing the county commission to levy an additional one cent sales and use tax; providing for the collection, distribution, and use of the proceeds of the tax; prescribing penalties and fixing punishment for violation of this act; providing for a termination date; providing for a tag fee; providing for an increase in court costs for district and civil courts, and an imposition of a fee for delivery of summons and other legal documents by the sheriff; and providing for the disposition of the funds.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 967, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives Hilliard, Spratt, Houston, McAdory, Rogers (J), and Perdue:

H. 968. To exempt the Bethel-Ensley Action Task, Incorporated from the payment of all state, county, and municipal sales and use taxes.

COMMITTEE ON WAYS AND MEANS

By Representatives Hilliard, Spratt, Johnson (E), Houston, Rogers (J), and Perdue:

H. 969. To make a supplemental appropriation from the General Fund in the State Treasury to the MAX Intermodal Passenger Facility in the amount of six hundred thousand dollars (\$600,000) for the fiscal year ending September 30, 1995.

COMMITTEE ON WAYS AND MEANS

By Representatives Sanderson, Gaines, Carns, and Johnson (R):

H. 970. To further provide for the lump sum payment of life insurance proceeds to a beneficiary and the payment of interest thereon for deaths of insureds occurring on or after January 1, 1996; and to provide for the timely payment of the life insurance proceeds to a beneficiary and certain exceptions.

COMMITTEE ON INSURANCE

By Representatives Hill and Knight (A) (With Notice and Proof):

H. 971. Relating to Shelby County; amending Act No. 94-666, H. 906, 1994 Regular Session, imposing a fee on the privilege of engaging in the business of real estate transactions to provide further for the effective date of the act.

COMMITTEE ON LOCAL LEGISLATION NO. 7

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 971, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives Thomas (D) and Galliher:

H. 972. Relating to St. Clair County; to allow the school districts of St. Clair County to levy an additional ad valorem tax for educational purposes.

COMMITTEE ON LOCAL LEGISLATION NO. 1

The above bill was read a first time at length as required by the Constitution.

By Representative Flowers (With Notice and Proof):

H. 973. Relating to Pike County; providing further for the assessment and collection of ad valorem taxes on motor vehicles; transferring certain duties and responsibilities of the Revenue Commissioner or Tax Assessor and Tax Collector to the Judge of Probate; requiring an additional bond of the Judge of Probate;

providing for the deposit of fees and commissions in the general fund of the county.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 973, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Flowers:

H. 974. To exempt the Alabama Rehabilitation Association, Inc., from the payment of all state, county, and municipal sales and use taxes.

COMMITTEE ON WAYS AND MEANS

By Representative Petelos (With Notice and Proof):

H. 975. Relating to the elected Assistant District Attorney's Office, Tenth Judicial Circuit, Jefferson County Bessemer Division; to provide for the appointment, duties, and compensation of deputy district attorneys; and to repeal the following acts: Act No. 245, H. 845, 1975 Regular Session (Acts 1975, p. 773); Act No. 87-721, H. 896, 1987 Regular Session (Acts 1987, p. 1411); Act No. 90-202, H. 449, 1990 Regular Session (Acts 1990, p. 237); and Act No. 93-648, S. 382, 1993 Regular Session (Acts 1993, p. 1119); all relating to the office and compensation of the deputy district attorneys in the Tenth Judicial Circuit Bessemer Division are specifically repealed.

COMMITTEE ON LOCAL LEGISLATION NO. 2

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 975, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives Maull, Seibenhener, Baker, and Johnson (E):

H. 976. To make members of the Alabama Legislature subject to recall.

COMMITTEE ON STATE ADMINISTRATION

By Representatives Penry and McMillan (With Notice and Proof):

H. 977. Relating to Baldwin County, authorizing the county commission to regulate the placement of signs and billboards on county highways.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 977, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives McMillan and Penry (With Notice and Proof):

H. 978. Relating to Baldwin County; authorizing the county commission to impose a fee on the rental of video cassettes; to provide for the method of reporting and paying the fee; to provide for penalties for failure to pay the fee; and to provide for disposition of the proceeds from the fee.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 978, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives McMillan and Penry (With Notice and Proof):

H. 979. Relating to Baldwin County; to provide for the Baldwin County Commission to contract for the printing and publication of local laws, regulations, ordinances, court orders, and other related legal issues affecting the county; and to provide for the sale of the codes.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 979, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives Penry and McMillan (With Notice and Proof):

H. 980. Relating to Baldwin County; relating to the compensation and expense allowance for the Sheriff of Baldwin County; to further provide for an additional expense allowance and expiration date therefor and the sheriff's compensation in the next term of office.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 980, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives Penry and McMillan (With Notice and Proof):

H. 981. Relating to the twenty-eighth judicial circuit in Baldwin County; to provide an expense and automobile allowance to the district attorney of the judicial circuit.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 981, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

MESSAGE FROM THE SENATE

Mr. Speaker:

The Presiding Officer of the Senate having signed the following Senate Bill with Executive Amendment, your signature thereto is requested:

S. 63. To require city and town governing bodies to assess a charge against certain landowners seeking to connect to a sewer or sewer system and to provide that the act shall be construed as cumulative to certain existing law.

McDOWELL LEE
Secretary

SIGNING OF SENATE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Message from the Senate.

RESOLUTIONS

The following resolutions were introduced:

By Representative Knight (J):

H.J.R. 340. CREATING A JOINT INTERIM LEGISLATIVE COMMITTEE TO INVESTIGATE TAX AUDITS OF THE DEPARTMENT OF REVENUE AND DIRECTING THE EXAMINERS OF PUBLIC ACCOUNTS TO ASSIST THE COMMITTEE.

The resolution, H.J.R. 340, was read and referred to the Standing Committee on Rules.

Also:

By Representative Jorgensen:

H.J.R. 341. URGING THE GOVERNOR AND ALABAMA DEPARTMENT OF ECONOMIC AND COMMUNITY AFFAIRS TO REEVALUATE, RESCIND, OR AMEND POLICIES ON VOLUNTEER ASSISTANCE TO TORNADO VICTIMS IN NORTH ALABAMA.

The resolution, H.J.R. 341, was read and referred to the Standing Committee on Rules.

RECESS

Pursuant to the motion heretofore adopted, the House recessed for the purpose of hearing addresses by Messrs. Bobby Allison and Richard Childress.

JOINT SESSION

The hour of 1:25 o'clock p.m. having arrived and pursuant to the resolution, S.J.R. 114, the Senate and the House of Representatives of the Legislature of Alabama met in Joint Session in the Hall of the House of Representatives for the purpose of hearing addresses by Messrs. Bobby Allison and Richard Childress

The Joint Session was called to order by the Honorable Don Siegelman, Lieutenant Governor and Presiding Officer of the Senate.

Messrs. Allison and Childress were escorted to the Chair and were introduced by Justice Ralph Cook. Thereupon Messrs. Allison and Childress delivered their addresses to the Legislature of Alabama.

The Lieutenant Governor and Presiding Officer of the Senate announced that the purpose of the Joint Session having been accomplished, the Senate would retire to its Chamber.

The Speaker of the House then called the House to order.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 707. To propose and provide for the submission of an amendment to the Constitution of Alabama of 1901; to grant certain powers and authority to Walker County and each municipality situated wholly therein relating to the acquisition, leasing, sale, and development of industrial sites and industrial park projects; and to specify that actions authorized by this amendment taken subsequent to January 1, 1995, are ratified.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Report of the Standing Committee on Rules.

BILLS ON THIRD READING

BUDGET ISOLATION RESOLUTION TEMPORARILY CARRIED OVER

In accordance with House Rule 21, the Budget Isolation Resolution and the bill, H. 771, were temporarily carried over at the request of Representative Thomas (J).

BUDGET ISOLATION RESOLUTION TEMPORARILY CARRIED OVER

On motion of Representative Turner, the Budget Isolation Resolution and the bill, S. 404, were temporarily carried over.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Venable, the Budget Isolation Resolution relating to the bill, H. 163, was adopted.

Yeas 57; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Boyd, Burke, Clouse, Collins, Curry, Dean, Dolbare, Drake, Dukes, Gaines, Gaston, Gipson, Graham, Guin, Hamilton, Hammett, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson,

Knight (J), Layson, Letson, Lindsey, McClammy, Melton, Moore, Morrison, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Petelos, Reed, Rogers (M), Sanderford, Seibenhener, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable and White.

-57

And the bill:

H. 163. Proposing an amendment to the Constitution of Alabama of 1901, to provide that certain elected public officials in Coosa County may participate in the Employees' Retirement System in lieu of participating in a supernumerary program or system.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 67; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Box, Burke, Buskey, Carns, Clouse, Collins, Curry, Dean, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Gaston, Gipson, Graham, Guin, Hamilton, Hammett, Haney, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Kennedy, Knight (A), Knight (J), Layson, Letson, Lindsey, McClammy, McDaniel, McMillan, Melton, Moore, Morrison, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Rogers (M), Sanderford, Smith, Starkey, Thomas (D), Townsend, Turner, Vance, Venable and White.

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REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 339. Reopening the Employees' Retirement System to allow certain active and vested members of the system to purchase certain credit in the system for service rendered to the State Economic Opportunity Office.

Also:

H. 415. Providing for a board of education for the City of Decatur, to be

elected by the qualified electors of the city; providing that the members of the board shall be elected from defined school districts; providing for the terms of office, qualifications, and compensation of the members; prescribing procedures for electing members and for filling vacancies on the board; providing for board representation for persons not residing within a specific school district; providing certain immunity for board members; and providing for financial audits of the records of the board.

Also:

H. 417. Relating to the City of Decatur; to provide for the abatement of grass and weeds which become a nuisance under certain conditions; to provide for notice to the property owners; to provide for the assessment of the costs for abatement when the work is required to be performed by the city; and to provide for liens on the property under certain conditions.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the foregoing Report of the Standing Committee on Rules.

BILLS ON THIRD READING RESUMED

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Black (M), the Budget Isolation Resolution relating to the bill, H. 734, was adopted.

Yeas 53; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Boyd, Burke, Clouse, Collins, Curry, Dean, Drake, Dukes, Flowers, Ford, Gaines, Gipson, Guin, Hamilton, Hammett, Haney, Hill, Hinshaw, Hogan, Hooper, Jackson, Johnson (E), Knight (A), Layson, Letson, Lindsey, McClammy, McDaniel, Moore, Morton, Murphree, Newton (D), Papucci, Parker (P), Penry, Petelos, Pringle, Rogers (M), Sanderford, Seibenhener, Smith, Spratt, Starkey, Thomas (D), Turner, Turnham, Vance and Venable.

And the bill:

H. 734. Relating to Colbert County and its municipalities; to amend and reenact Act No. 86-231, S. 515 of the 1986 Regular Session (Acts 1986, p. 341), forming a Shoals Industrial Development authority for promoting industry and trade and the development of the counties and cities; for the purpose of forming a Shoals Economic Development Authority for promoting the economic development of the counties and cities.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 54; Nays 0.

Yea:

Mr. Speaker, Black (L), Black (M), Burke, Clouse, Collins, Curry, Dean, Drake, Dukes, Flowers, Ford, Gaines, Gaston, Gipson, Graham, Guin, Hamilton, Hammett, Haney, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Knight (J), Layson, Letson, Lindsey, McDaniel, Melton, Moore, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Penry, Petelos, Pringle, Rogers (M), Sanderford, Smith, Spratt, Starkey, Thomas (D), Turner, Turnham, Vance, Venable and Wren.

-54

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Venable, the Budget Isolation Resolution relating to the bill, H. 789, was adopted.

Yeas 54; Nays 0.

Yea:

Mr. Speaker, Black (L), Black (M), Burke, Buskey, Carns, Clouse, Collins, Curry, Dean, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Gaston, Gipson, Graham, Guin, Hammett, Haney, Hawk, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Kennedy, Knight (A), Letson, Lindsey, McDaniel, Melton, Murphree, Newton (C), Papucci, Parker (T), Penry, Petelos, Pringle, Rogers (M), Sanderford, Sanderson, Smith, Spratt, Starkey, Turner, Turnham, Vance and Venable.

-54

And the bill:

H. 789. Relating to Elmore County; amending Sections 1 and 2 of Act No. 82-666, H. 69 of the 1982 First Special Session (Acts 1982, p. 85), relating to the fee for a pistol permit and providing for the disposition of the proceeds from the fees, to increase the fee.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 57; Nays 0.

Yea:

Mr. Speaker, Black (L), Black (M), Buskey, Carns, Clouse, Collins, Curry, Dean, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Gaston, Gipson, Graham, Guin, Hammett, Haney, Hawk, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Kennedy, Knight (A), Layson, Lindsey, Melton, Moore, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Rogers (M), Sanderford, Sanderson, Smith, Spratt, Starkey, Townsend, Turner, Turnham, Vance and Venable.

-57

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative McMillan, the Budget Isolation Resolution relating to the bill, H. 859, was adopted.

Yeas 63; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Burke, Buskey, Carothers, Clouse, Collins, Crigler, Curry, Dean, Drake, Dukes, Ford, Gaines, Gaston, Gipson, Guin, Hammett, Haney, Hawk, Hill, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (R), Knight (A), Knight (J), Layson, Lindsey, McClammy, McDaniel, McMillan, Melton, Moore, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Rogers (M), Sanderford, Sanderson, Seibenhener, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable and Warren.

-63

And the bill:

H. 859. Relating to Baldwin County; creating and establishing a personnel merit system; providing for personnel rules, principles, and organization; establishing a personnel department; establishing an appeals board and its membership; providing for classes of employment; and providing that county employees on the effective date of this act under certain conditions shall be classified employees.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 61; Nays 0.

Yea:

Mr. Speaker, Allen, Black (M), Box, Burke, Buskey, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Drake, Dukes, Gaines, Gaston, Gipson, Graham, Guin, Hammett, Haney, Hawk, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (R), Knight (J), Layson, Lindsey, McClammy, McDaniel, McMillan, Melton, Minnifield, Moore, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Rogers (M), Sanderford, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable and Warren.

-61

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Lindsey, the Budget Isolation Resolution relating to the bill, H. 864, was adopted.

Yeas 52; Nays 1.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Burke, Carns, Clouse, Collins, Drake, Dukes, Gaines, Gipson, Guin, Hammett, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Knight (A), Knight (J), Layson, Letson, Lindsey, McClammy, McMillan, Melton, Minnifield, Moore, Morton, Newton (C), Papucci, Parker (P), Payne, Penry, Perdue, Rogers (M), Sanderford, Sanderson, Seibenhener, Smith, Spratt, Starkey, Townsend, Turner, Turnham, Vance and Venable.

-52

Nay:

Representative Haney.

- 1

And the bill:

H. 864. Relating to Cleburne County; authorizing the county commission to levy an additional annual issuance fee upon motor vehicles in the county and providing for the disposition of the fee.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 52; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Box, Burke, Buskey, Carothers, Clouse, Drake, Ford, Gaines, Gipson, Guin, Hammett, Haney, Hawk, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Knight (A), Knight (J), Letson, Lindsey, McClammy, McDaniel, Melton, Minnifield, Moore, Morton, Murphree, Newton (C), Papucci, Parker (T), Perdue, Rogers (M), Sanderford, Sanderson, Smith, Spratt, Starkey, Townsend, Turner, Vance and Warren.

-52

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Lindsey, the Budget Isolation Resolution relating to the bill, H. 865, was adopted.

Yeas 52; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Burke, Carns, Clouse,

Collins, Curry, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gipson, Graham, Guin, Hammett, Haney, Hawk, Hayden, Hill, Hogan, Hooper, Knight (A), Knight (J), Layson, Lindsey, McDaniel, McMillan, Minnifield, Moore, Morton, Murphree, Papucci, Payne, Penry, Petelos, Rogers (M), Sanderford, Sanderson, Seibenhener, Smith, Spratt, Starkey, Thomas (D), Townsend, Turnham, Vance and Venable.

-52

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 865. Relating to Cleburne County; amending Section 1 of Act No. 90-643, H. 821 of the 1990 Regular Session (Acts 1990, p. 1198), relating to recording fees on each real property instrument and each personal property instrument filed for record in the Office of the Judge of Probate, so as to further provide for the fees and the instruments.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 55; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Burke, Clouse, Curry, Drake, Dukes, Gaines, Galliher, Gipson, Graham, Guin, Hammett, Haney, Hawk, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Johnson (E), Knight (A), Knight (J), Lindsey, McClammy, McDaniel, Melton, Minnifield, Moore, Morrison, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Penry, Perdue, Petelos, Rogers (M), Sanderford, Sanderson, Smith, Spratt, Starkey, Thomas (J), Townsend, Turner, Turnham, Vance, Venable and Warren.

-55

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Reed, the Budget Isolation Resolution relating to the bill, H. 879, was adopted.

Yeas 51; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Burke, Carothers, Clouse, Collins, Curry, Drake, Dukes, Ford, Galliher, Gipson, Guin, Hammett, Haney, Hawk, Hayden, Hilliard, Hinshaw, Hogan, Hooper, Houston, Johnson (E), Johnson (R), Lindsey, McClammy, McMillan, Melton, Moore, Morrison, Morton, Murphree, Papucci, Penry, Perdue, Petelos, Rogers (M), Sanderson, Seibenhener, Smith, Spratt, Starkey, Thomas (J), Turner, Turnham, Vance, Venable and Warren.

-51

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 879. Relating to Bullock County; providing for the assessment and collection of additional court costs in the municipal, district, circuit and probate courts of the county; certain other fees of the judge of probate; and providing that the fees collected in the district and circuit courts be used for the benefit of the sheriff's department.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 50; Nays 0.

Yea:

Representatives Allen, Baker, Bandy, Black (L), Black (M), Burke, Carothers, Clouse, Collins, Curry, Drake, Dukes, Ford, Galliher, Gipson, Guin, Hammett, Hawk, Hayden, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Lindsey, McClammy, McMillan, Melton, Mitchell, Moore, Morrison, Murphree, Papucci, Penry, Perdue, Petelos, Reed, Rogers (M), Smith, Spratt, Starkey, Thomas (J), Turner, Turnham, Vance, Venable and Warren.

-50

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Reed, the Budget Isolation Resolution relating to the bill, H. 880, was adopted.

Yeas 51; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Box, Burke, Buskey, Carothers, Clouse, Collins, Curry, Drake, Dukes, Gipson, Guin, Hammett, Hawk, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Knight (A), Lindsey, McClammy, Melton, Moore, Morton, Murphree, Newton (C), Papucci, Parker (P), Perdue, Petelos, Reed, Rogers (J), Rogers (M), Seibenhener, Smith, Spratt, Thomas (J), Townsend, Turner, Turnham, Vance, Venable and Warren.

-51

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 880. Relating to Bullock County; amending Act No. 79-589, H. 1047, 1979 Regular Session (Acts 1979, p. 1048), to provide further for the expense allowance of the coroner.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 49; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Box, Burke, Carothers, Clouse, Collins, Curry, Drake, Dukes, Ford, Fuller, Gipson, Guin, Hammett, Hawk, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (R), Kennedy, Knight (A), Lindsey, McClammy, Melton, Mitchell, Moore, Morton, Murphree, Papucci, Perdue, Petelos, Reed, Rogers (M), Smith, Spratt, Thomas (J), Turnham, Vance, Venable and Warren.

-49

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Dukes, the Budget Isolation Resolution relating to the bill, H. 881, was adopted.

Yeas 44; Nays 4.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Boyd, Buskey, Clark (W), Dukes, Ford, Gaines, Galliher, Gipson, Graham, Haney, Hawk, Hayden, Hill, Hilliard, Hinshaw, Houston, Jackson, Johnson (E), Knight (A), Knight (J), Letson, Lindsey, McAdory, McClammy, Melton, Millican, Minnifield, Morrison, Newton (D), Papucci, Perdue, Reed, Rogers (J), Rogers (M), Sanderford, Spratt, Starkey, Thomas (J) and Turner.

-44

Nay:

Representatives Drake, Maull, Parker (P) and Smith.

- 4

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 881. Proposing an amendment to the Constitution of Alabama of 1901; relating to legalizing certain operations of bingo games for prizes or money for charitable or educational purposes in Morgan County and the cities and towns of the county.

was read a third time at length and lost, lacking a three-fifths vote of all members elected to the House as required by the Constitution.

Yeas 28; Nays 2.

Yea:

Representatives Bandy, Black (L), Box, Buskey, Clark (W), Dukes, Ford, Galliher, Graham, Hall (A), Haney, Hayden, Hilliard, Houston, Jackson, Johnson (E), Letson, Maull, McAdory, McClammy, Morrow, Newton (D), Papucci, Reed, Rogers (J), Spratt, Starkey and Turner.

-28

Nay:

Representatives Drake and Parker (P).

- 2

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

H. 882 INDEFINITELY POSTPONED

On motion of Representative Dukes, the bill, H. 882, was indefinitely postponed.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Collins, the Budget Isolation Resolution relating to the bill, H. 890, was adopted.

Yeas 57; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Boyd, Clouse, Collins, Curry, Dean, Drake, Fuller, Galliher, Gaston, Gipson, Guin, Hall (L), Hamilton, Hammett, Hawk, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Kennedy, Knight (A), Knight (J), Layson, Lindsey, McClammy, Melton, Moore, Morrison, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Perdue, Reed, Rogers (M), Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (J), Turner, Turnham, Vance, Venable, Warren and Willis.

-57

And the bill:

H. 890. Relating to Lamar County; fixing the fee for the issuance of pistol permits in Lamar County and providing for the deposit of such fees in a fund known as the Sheriff's Pistol Permit Fund and providing for the use of the fund and an effective date.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 58; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Boyd, Clouse, Collins, Curry, Dean, Dolbare, Drake, Flowers, Fuller, Galliher, Gaston, Gipson, Graham, Guin, Hall (L), Hamilton, Hammett, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Kennedy, Knight (A), Knight (J), Layson, Lindsey, McClammy, Melton, Millican, Moore, Morton, Newton (C), Papucci, Parker (P), Parker (T), Penry, Perdue, Reed, Rogers (M), Sims, Smith, Spratt, Starkey, Thomas (J), Turnham, Vance, Venable, Warren and Willis.

-58

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Thomas (J), the Budget Isolation Resolution relating to the bill, H. 892, was adopted.

Yeas 57; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Boyd, Buskey, Clark (W), Clouse, Collins, Dean, Drake, Ford, Fuller, Galliher, Gipson, Graham, Guin, Hall (L),

Hammett, Hawk, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Kennedy, Knight (A), Knight (J), Layson, Maull, McClammy, Millican, Moore, Morrison, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Parker (T), Perdue, Reed, Rogers (M), Seibenhener, Sims, Smith, Starkey, Thomas (J), Turner, Turnham, Vance, Venable, Warren and Willis.

-57

And the bill:

H. 892. To alter, rearrange, and extend the boundary lines of the Town of Pine Hill in Wilcox County.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 55; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Boyd, Buskey, Clark (W), Clouse, Collins, Dean, Drake, Ford, Fuller, Galliher, Gaston, Graham, Guin, Hall (L), Hamilton, Hammett, Hawk, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Jorgensen, Kennedy, Knight (A), Knight (J), Layson, Lindsey, Maull, McClammy, Melton, Moore, Morrison, Murphree, Newton (C), Papucci, Parker (T), Perdue, Reed, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Venable and Willis.

-55

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Rogers (M), the Budget Isolation Resolution relating to the bill, H. 908, was adopted.

Yeas 62; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Boyd, Buskey, Clouse, Curry, Dean, Dolbare, Drake, Galliher, Gaston, Gipson, Graham, Guin, Hamilton, Hammett, Hawk, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Jorgensen, Kennedy, Knight (A), Knight (J), Lindsey, McClammy, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Perdue, Petelos, Reed, Rogers (M), Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable and Willis.

-62

And the bill:

H. 908. (With Amendment): Relating to the City of Anniston in Calhoun County; to provide for the restructuring of the Water Works and Sewer Board of the City of Anniston; and to increase the membership.

was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 1, said committee amendment being as follows:

Amend H. 908 on Page 1, Section 1, Line 19 by striking **always**

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 61; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Boyd, Buskey, Clark (W), Clouse, Curry, Drake, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hammett, Hawk, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Jorgensen, Kennedy, Knight (A), Knight (J), Lindsey, McClammy, Melton, Minnifield, Moore, Morrison, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Perdue, Petelos, Reed, Rogers (M), Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable and Willis.

-61

And the bill:

H. 908. Relating to the City of Anniston in Calhoun County; to provide for the restructuring of the Water Works and Sewer Board of the City of Anniston; and to increase the membership.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 59; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Boyd, Buskey, Clouse, Curry, Drake, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham,

Guin, Hamilton, Hammett, Hawk, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Jorgensen, Kennedy, Knight (A), Knight (J), Lindsey, McClammy, McMillan, Melton, Minnifield, Mitchell, Moore, Morrison, Morton, Murphree, Papucci, Parker (P), Perdue, Petelos, Reed, Rogers (M), Sims, Smith, Starkey, Thomas (D), Thomas (J), Turnham, Vance, Venable and Willis.

-59

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Houston, the Budget Isolation Resolution relating to the bill, H. 740, was adopted.

Yeas 57; Nays 0.

Yea:

Mr. Speaker, Baker, Bandy, Black (L), Black (M), Burke, Buskey, Clouse, Collins, Dean, Drake, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hamilton, Hammett, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Jorgensen, Kennedy, Knight (A), Knight (J), Lindsey, McAdory, McClammy, Melton, Millican, Moore, Morrison, Newton (C), Papucci, Parker (P), Perdue, Reed, Rogers (M), Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Turnham, Vance, Venable and Willis.

-57

And the bill:

H. 740. Relating to the City of Fairfield in Jefferson County, Alabama; to validate actions of the city governing body relative to the establishment of the Fairfield Civic Center.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 58; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Burke, Buskey, Carns, Clark (W), Clouse, Collins, Drake, Fuller, Gaines, Galliher, Gipson, Graham, Guin, Hamilton, Hammett, Hawk, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Jorgensen, Kennedy, Knight (A), Knight (J), Lindsey, McAdory, McClammy, Melton, Minnifield, Moore, Morrison, Murphree, Papucci, Parker (P), Payne, Perdue, Reed, Rogers (J), Rogers (M), Sims, Smith, Starkey, Thomas (D), Townsend, Turnham, Vance, Venable and Willis.

-58

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Knight (J), the Budget Isolation Resolution relating to the bill, H. 915, was adopted.

Yeas 57; Nays 0.

Yea:

Mr. Speaker, Baker, Bandy, Black (L), Black (M), Boyd, Burke, Buskey, Clark (W), Clouse, Dean, Drake, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hamilton, Hammett, Hawk, Hayden, Hill, Hilliard, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Lindsey, McAdory, McClammy, Melton, Mitchell, Morrison, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Perdue, Reed, Rogers (M), Seibenhener, Sims, Spratt, Starkey, Vance, Venable and Willis.

-57

And the bill:

H. 915. Relating to Montgomery County, requiring all beer of a specific brand, prior to distribution to retail licensees in the county, to be stored in a warehouse in the county and be available for inspection by the Alcoholic Beverage Control Board; and providing certain civil remedies.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 57; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Boyd, Burke, Buskey, Clark (W), Clouse, Dean, Drake, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hamilton, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Lindsey, McClammy, Melton, Mitchell, Newton (C), Newton (D), Papucci, Parker (P), Parker (T), Perdue, Petelos, Reed, Rogers (M), Sims, Smith, Spratt, Starkey, Turner, Turnham, Vance, Venable and Willis.

-57

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Clark (J), the Budget Isolation Resolution relating to the bill, H. 304, was adopted.

Yeas 67; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Burke, Buskey, Clark (W), Clouse, Collins, Dean, Drake, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hamilton, Hammett, Haney, Hawk, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Layson, Lindsey, McAdory, McClammy, McDaniel, McMillan, Melton, Moore, Morrison, Murphree, Newton (C), Papucci, Parker (T), Perdue, Petelos, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sims, Smith, Spratt, Starkey, Thomas (D), Turner, Turnham, Vance, Venable and Willis.

-67

And the bill:

H. 304. (With Substitute): Relating to Barbour County and the office of the judge of probate; to provide a special recording or issuance fee in addition to all existing fees and charges for documents filed for record and each motor vehicle certificate of title issued in the county; and to provide for the use of the fees for the payment of general office expenses by the judge of probate.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Local Legislation No. 1, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

Relating to Barbour County and the office of the judge of probate; to provide a special recording or issuance fee in addition to all existing fees and charges for documents filed for record and each motor vehicle certificate of title issued in the county; and to provide for the use of the fees for the payment of general office expenses by the judge of probate; and to provide for an expiration date.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. In Barbour County, on and after the effective date of this act, there is levied a special recording or issuance fee of three dollars (\$3) which shall be paid to and collected by the Barbour County Judge of Probate with respect to each real property instrument and each personal property instrument filed for record in the office of the judge of probate, for the recording of other instruments and documents in the office of the judge of probate, and for the issuance of motor vehicle certificates of title. On and after the effective date of this act, the judge of

probate shall not receive an instrument for recording and shall not issue a motor vehicle certificate of title unless the special recording or issuance fee of three dollars (\$3) is paid. The special recording or issuance fee shall be in addition to all other fees, taxes, and other charges required by law to be paid upon the filing for record of any real or personal property instrument or other instrument or for the issuance of a motor vehicle certificate of title. All special recording or issuance fees collected pursuant to this act shall be collected and retained by the judge of probate to be used by the judge of probate to pay general office expenses.

Section 2. The fees provided by this act shall expire on December 31, 1996, and this act shall be repealed at that time.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 65; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Burke, Buskey, Clark (W), Clouse, Collins, Dean, Drake, Ford, Gaines, Gaston, Gipson, Graham, Guin, Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Layson, Lindsey, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Morrison, Murphree, Newton (C), Papucci, Parker (T), Perdue, Petelos, Reed, Robinson, Rogers (M), Sanderford, Sims, Smith, Spratt, Starkey, Thomas (D), Turnham, Vance, Venable and Willis.

-65

And the bill:

H. 304. Relating to Barbour County and the office of the judge of probate; to provide a special recording or issuance fee in addition to all existing fees and charges for documents filed for record and each motor vehicle certificate of title issued in the county; and to provide for the use of the fees for the payment of general office expenses by the judge of probate; and to provide for an expiration date.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 61; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Boyd, Burke, Buskey, Clark (W), Clouse, Collins, Dean, Drake, Flowers, Gaines, Gaston, Gipson, Graham, Guin, Haney, Hawk, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Jorgensen, Knight (A), Knight (J), Layson, Lindsey, McClammy, McDaniel, McMillan, Melton, Millican, Moore, Morrison, Murphree, Newton (C), Papucci, Parker (T), Perdue, Petelos, Reed, Rogers (M), Sanderford, Sims, Smith, Spratt, Starkey, Townsend, Turner, Turnham, Vance, Venable and Willis.

-61

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Thomas (D), the Budget Isolation Resolution relating to the bill, H. 888, was adopted.

Yeas 51; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Boyd, Burke, Clouse, Collins, Drake, Gaines, Galliher, Gipson, Graham, Guin, Hamilton, Hammett, Hawk, Hayden, Hill, Hilliard, Hinshaw, Hogan, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Layson, McClammy, McMillan, Melton, Moore, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Perdue, Pringle, Reed, Rogers (M), Sims, Smith, Spratt, Starkey, Thomas (D), Turner, Turnham, Venable and Willis.

-51

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 888. To alter and rearrange the boundary lines and corporate limits of the municipality of Argo in St. Clair County to remove certain property from the corporate limits of the municipality.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 53; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Boyd, Burke, Clouse, Collins, Drake, Gaines, Galliher, Gipson, Graham, Guin, Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hogan, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Lindsey, McClammy, Melton, Moore, Morrison, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Perdue, Reed, Rogers (M), Sanderford, Smith, Spratt, Starkey, Thomas (D), Turner, Turnham, Vance, Venable and Willis.

-53

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Thomas (D), the Budget Isolation Resolution relating to the bill, H. 889, was adopted.

Yeas 56; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Burke, Clouse, Collins, Drake, Flowers, Gaines, Galliher, Gipson, Graham, Guin, Hamilton, Hammett, Haney, Hawk, Hayden, Hill, Hilliard, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Lindsey, McClammy, McMillan, Melton, Millican, Moore, Morrison, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Perdue, Pringle, Reed, Robinson, Rogers (M), Sanderford, Smith, Spratt, Starkey, Thomas (D), Turner, Turnham, Vance, Venable and Willis.

-56

And the bill:

H. 889. To alter and rearrange the boundary lines and corporate limits of the municipality of Argo in St. Clair County to remove certain property from the corporate limits of the municipality.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 57; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Boyd, Burke, Clouse, Collins, Drake, Flowers, Gaines, Galliher, Gipson, Graham, Guin, Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Lindsey, McClammy, McMillan, Melton, Millican, Moore, Morrison, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Perdue, Reed, Robinson, Rogers (M), Sims, Smith, Spratt, Starkey, Thomas (D), Turner, Turnham, Venable and Willis.

-57

BUDGET ISOLATION RESOLUTION TEMPORARILY CARRIED OVER

In accordance with House Rule 21, the Budget Isolation Resolution and the bill, H. 912, were temporarily carried over at the request of Representative Layson.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Gaines, the Budget Isolation Resolution relating to the bill, H. 860, was adopted.

Yeas 52; Nays 1.

Yea:

Mr. Speaker, Allen, Burke, Clouse, Dean, Dolbare, Drake, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hamilton, Hawk, Hawkins, Hayden, Hill, Hilliard, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Lindsey, McAdory, McClammy, McMillan, Melton, Millican, Moore, Morrison, Morton, Murphree, Parker (P), Pringle, Reed, Rogers (M), Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Townsend, Turnham, Vance and Willis.

-52

Nay:

Representative Payne.

- 1

And the bill:

H. 860. Relating to Jefferson County; on and after the effective date of this act, each of the County Commissioners, the Jefferson County Tax Assessor; the

Jefferson County Tax Collector; the Jefferson County Assistant Tax Assessor - Bessemer Division; and the Jefferson County Assistant Tax Collector - Bessemer Division, shall be entitled to have either an automobile with fuel, oil, and repairs furnished by Jefferson County for use in carrying out his official duties, or a certain automobile expense allowance as reimbursement for the Official's use of a personal vehicle and fuel, oil and repairs for such official duties; to repeal Act No. 89-635.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 45; Nays 5.

Yea:

Mr. Speaker, Burke, Buskey, Clark (W), Clouse, Collins, Dean, Drake, Gaines, Graham, Guin, Hamilton, Hawk, Hawkins, Hayden, Hill, Hilliard, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Lindsey, McAdory, McClammy, McMillan, Melton, Morrison, Murphree, Parker (P), Pringle, Reed, Rogers (J), Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turnham, Vance and Willis.

-45

Nay:

Representatives Cams, Curry, Morton, Payne and Petelos.

- 5

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

RESOLUTION

The following resolution was introduced:

By Rules Committee:

H.R. 342. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES: That immediately upon the adoption of this resolution, the following business, in the order set forth below, shall be the special and paramount order of business for the 24th legislative day, Tuesday, July 11, 1995, taking precedence over the

regular order of business. Consideration of the following bills and the accompanying BIR shall be limited to a total of 10 minutes. Any bill that fails to pass within the 10-minute period will automatically revert to its position on the regular order calendar. These bills are not subject to motions to carry over temporarily or otherwise.

And the following bills:

Inst Id	Page
H. 455 - By Starkey (As Amended)	119
Employees' Retirement System, reopen for purchase of prior service credit as a temporary legislative employee, Sec. 36-27-50 am'd.	
H. 753 - By Gipson	79
Veterinary Medical Examiners, Bd. alt., duties, executive director. comp. incr., Secs. 34-29-63, 34-29-64, 34-29-65, 34-29-68, 34-29-69, 34-29-70 am'd.	
H. 690 - By Hawkins (As Amended)	74
Sales tax, withdrawals of inventory, language clarified, Sec. 40-23-1 am'd.	
H. 787 - By Morrison (As Amended)	125
North Alabama Agricultural Museum and Hall of Fame Board, estab.	
H. 197 - By Penry (As Substituted)	23
Forest products, records re purchase of unmanufactured or semimanufactured products, failure to keep or falsify, monetary fine alt., Sec. 9-13-63 am'd.	
H. 807 - By Knight (J) (As Substituted)	88
Real property, mailing address of grantee, property purchase price, for conveyance for ad valorem tax purposes, required	
H. 885 - By Rogers (J)	149
Gaming devices for amusement, transportation permitted, penalties eliminated	

H. 58 - By Galliher (As Amended)	130
Distinctive license plates for Masons, distrib. of funds to Grand Lodge of F & AM and to Alabama Masonic Home	
H. 866 - By Turner	140
Firefighters, death or disability, from occupational diseases, Sec. 11-43-144 am'd.	
H. 819 - By Spratt	146
Counties and muns., storm water operations and projects, cooperative agreements, fees, penalties	
H. 847 - By Townsend	96
Motor vehicles, person arrested for traffic offense, allowed to sign bond, persons without proper identification or driver license to be taken before magistrate for a hearing, Sec. 32-1-4 am'd.	
H. 818 - By Murphree	144
Telephone companies, loans, approval by Public Service Commission, provision repealed, Secs. 37-2-170 to 37-2-184, inclusive, repealed	
H. 618 - By Minnifield (As Amended)	138
Public records, copies provided, civil penalties for refusal to provide copies	
H. 474 - By Johnson (R)	81
Immunization records, exchange between interested parties, good faith immunity for disclosure	
H. 632 - By Black (M)	146
Public hospital boards, auth. to provide health insurance for retirees	
H. 713 - By Hawk	91
Federal law enforcement officers, auth. to enforce st. laws	

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H. 735 - By Knight (A) (As Substituted) 82

Environmental, health, and safety audits, violations disclosed, privileged communications

H. 850 - By Dolbare 136

Clerks and registers, supernumerary, surviving spouse, appointed to remainder of term, spouses entitled to death benefits, Sec. 12-17-142 am'd.

H. 399 - By McKee 118

Motor vehicles, Alabama Shakespeare Festival, distinctive license plates, auth. for supporters of, distrib. of funds

The following bills are not subject to the 10-minute limitation, and are subject to motions to carry over temporarily or otherwise.

H. 855 - By Carothers (As Amended) 103

Tobacco tax stamps, discounts for wholesalers, elim., Sec. 40-25-5 repealed

H. 371 - By Hooper (As Substituted) 59

Court of Judiciary, composition, appeal procedure and impeachment of judges, const. amend.

H. 854 - By Hooper 97

Court orders re disbursement of st. funds, legis. approval req., const. amend.

S. 217 - By Waggoner (As Amended) 57

Employees' Retirement System, participation by cert. co. officers in lieu of a supernumerary system, const. amend.

On motion of Representative Turner, the resolution, H.R. 342, was adopted.

SPECIAL ORDER CALENDAR

The House then proceeded with the consideration of the Special Order Calendar.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Starkey, the Budget Isolation Resolution relating to the bill, H. 455, was adopted.

Yeas 77; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Box, Boyd, Burke, Buskey, Carns, Clark (W), Clouse, Collins, Crigler, Dean, Dolbare, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Knight (A), Knight (J), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Moore, Morrison, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turnham, Vance, Venable and Willis.

-77

And the bill:

H. 455. (With Amendment): To amend Section 36-27-50, Code of Alabama 1975, to reopen the Employees' Retirement System for a certain time to allow certain temporary legislative employees to purchase certain prior service credit in the retirement system.

was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

Amend House bill 455 on page 3, line 20 after the word "rendered" by inserting the following: ", together with interest not to exceed eight percent compounded annually from the date of service to the date of payment";

Further amend H. 455 on page 2, line 6 after the word "credit", on page 3, line 12 after the word "worked" and on page 3, line 20 after the word "service" by inserting the following: "as a temporary employee of the legislative branch";

Further amend H. 455 on page 4, line 1 after the word "period" by inserting the following: " or a member is now eligible under subsection (b) (1) to purchase time worked as a temporary employee of the legislative branch";

Further amend H. 455 on page 1, line 21 by deleting the word "another" and inserting in lieu thereof the word "an";

Further amend H. 455 on page 1, line 21 and on page 3, lines 8 and 17 by deleting the word "legislative";

Further amend H. 455 on page 2, line 5 by deleting the words "temporary legislative".

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 82; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Clark (W), Clouse, Collins, Crigler, Curry, Dolbare, Dukes, Flowers, Ford, Fuller, Galliher, Gaston, Gipson, Graham, Guin, Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Moore, Morrison, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (J), Turner, Turnham, Vance, Venable and Willis.

-82

And the bill:

H. 455. To amend Section 36-27-50, Code of Alabama 1975, to reopen the Employees' Retirement System for a certain time to allow certain employees to purchase certain prior service credit as a temporary employee of the legislative branch in the retirement system.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 85; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, McClammy, McDaniel, McMillan, Melton, Millican, Mitchell, Moore, Morrison, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (P),

Parker (T), Payne, Penry, Petelos, Reed, Robinson, Rogers (J), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, White and Willis.

-85

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Gipson, the Budget Isolation Resolution relating to the bill, H. 753, was adopted.

Yeas 77; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Graham, Guin, Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, McAdory, McDaniel, McMillan, Melton, Millican, Moore, Morrison, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Rogers (J), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren and Willis.

-77

And the bill:

H. 753. To amend Sections 34-29-63, 34-29-64, 34-29-65, 34-29-68, 34-29-69, and 34-29-70, Code of Alabama 1975; to provide for the membership, qualifications, and duties of the Alabama State Board of Veterinary Medical Examiners; to change the name of the executive secretary to executive director; and to increase the compensation of the executive director.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 73; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Flowers, Ford, Gaston, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E),

Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, McAdory, Melton, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Rogers (J), Sanderson, Sims, Smith, Spratt, Thomas (J), Townsend, Turnham, Vance, Venable, Warren and Willis.

-73

LEAVE OF ABSENCE

At the request of Representative Hammett, leave of absence was granted for Representative Newton (D).

SPECIAL ORDER CALENDAR RESUMED

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Hawkins, the Budget Isolation Resolution relating to the bill, H. 690, was adopted.

Yeas 77; Nays 0.

Yea:

Representatives Allen, Baker, Black (L), Boyd, Burke, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Flowers, Ford, Fuller, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Hawk, Hawkins, Hayden, Hill, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Papucci, Parker (T), Payne, Penry, Petelos, Pringle, Reed, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Thomas (J), Townsend, Turnham, Vance, Venable, Warren, Willis and Wren.

-77

And the bill:

H. 690. (With Amendment): To amend Section 40-23-1, Code of Alabama 1975, relating to withdrawals of inventory and the amount of sales tax, and to provide for a retroactive effect.

was taken up.

SUBSTITUTE OFFERED

Representative Hawkins offered the following substitute to the bill, H. 690, and to the pending amendment reported by the Standing Committee on Commerce, Transportation and Utilities:

**A BILL
TO BE ENTITLED
AN ACT**

To clarify and confirm the applicability of Section 40-23-1, Code of Alabama 1975, relating to withdrawals of certain inventory and the amount of sales tax thereon, and to provide for a retroactive effect.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 40-23-1, Code of Alabama 1975, is amended to read as follows:

"§40-23-1.

"(a) For the purpose of this division, the following terms shall have the respective meanings ascribed by this section:

"(1) **PERSON or COMPANY.** Used interchangeably, includes any individual, firm, copartnership, association, corporation, receiver, trustee, or any other group or combination acting as a unit and the plural as well as the singular number, unless the intention to give a more limited meaning is disclosed by the context.

"(2) **DEPARTMENT.** The Department of Revenue of the State of Alabama.

"(3) **COMMISSIONER.** The Commissioner of Revenue of the State of Alabama.

"(4) **TAX YEAR or TAXABLE YEAR.** The calendar year.

"(5) **SALE or SALES.** Installment and credit sales and the exchange of properties as well as the sale thereof for money, every closed transaction constituting a sale. Provided, however, a transaction shall not be closed or a sale completed until the time and place when and where title is transferred by the seller or seller's agent to the purchaser or purchaser's agent, and for the purpose of determining transfer of title, a common carrier or the U. S. Postal Service shall be deemed to be the agent of the seller, regardless of any F.O.B. point and regardless of who selects the method of transportation, and regardless of by whom or the method by which freight, postage, or other transportation charge is paid. Provided further that, where billed as a separate item to and paid by the purchaser, the freight, postage, or other transportation charge paid to a common carrier or the U.S. Postal Service is not a part of the selling price.

"(6) GROSS PROCEEDS OF SALES. The value proceeding or accruing from the sale of tangible personal property, and including the proceeds from the sale of any property handled on consignment by the taxpayer, including merchandise of any kind and character without any deduction on account of the cost of the property sold, the cost of the materials used, labor or service cost, interest paid, any consumer excise taxes that may be included within the sales price of the property sold, or any other expenses whatsoever, and without any deductions on account of losses; provided, that cash discounts allowed and taken on sales shall not be included, and "gross proceeds of sales" shall not include the sale price of property returned by customers when the full sales price thereof is refunded either in cash or by credit. ~~Said~~ The term "gross proceeds of sale" shall also mean and include the reasonable and fair market value of any tangible personal property previously purchased at wholesale which is withdrawn or used from the business or stock and used or consumed in connection with ~~said~~ a business, and shall also mean and include the reasonable and fair market value of any tangible personal property previously purchased at wholesale which is withdrawn from the business or stock and used or consumed by any person so withdrawing the same, except property which has been previously withdrawn from ~~such~~ business or stock and so used or consumed with respect to which property the tax has been paid because of ~~such~~ previous withdrawal, use, or consumption, and except property which enters into and becomes an ingredient or component part of tangible personal property or products manufactured or compounded for sale and not for the personal and private use or consumption of any person so withdrawing, using, or consuming the same. In the case of the retail sale of equipment, accessories, fixtures, and other similar tangible personal property used in connection with the sale of commercial mobile services as defined herein, or in connection with satellite television services, at a price below cost, "gross proceeds of sale" shall only include the stated sales price thereof and shall not include any sales commission or rebate received by the seller as a result of the sale. As used herein, the term "commercial mobile services" shall have the same meaning as that term has in 47 U.S.C. §§ 153(n) and 332(d), as in effect from time to time.

"(7) TAXPAYER. Any person liable for taxes hereunder.

"(8) GROSS RECEIPTS. The value proceeding or accruing from the sale of tangible personal property, including merchandise and commodities of any kind and character, all receipts actual and accrued, by reason of any business engaged in, not including, however, interest, discounts, rentals of real estate or royalties, and without any deduction on account of the cost of the property sold, the cost of the materials used, labor or service cost, interest paid, any consumer excise taxes that may be included in the sales price of the property sold, or any other expenses whatsoever and without any deductions on account of losses. ~~Said~~ The term "gross receipts" shall also mean and include the reasonable and fair market value of any tangible personal property previously purchased at wholesale which is withdrawn or used from the business or stock and used or consumed in connection with ~~said~~ a business, and shall also mean and include the reasonable and fair market value of any tangible personal property previously purchased at wholesale which is withdrawn from the business or stock and used

or consumed by any person so withdrawing the same, except property which has been previously withdrawn from ~~such~~ business or stock and so used or consumed and with respect to which property the tax has been paid because of ~~such~~ previous withdrawal, use, or consumption, and except property which enters into and becomes an ingredient or component part of tangible personal property or products manufactured or compounded for sale and not for the personal and private use or consumption of any person so withdrawing, using, or consuming the same.

"(9) WHOLESALE SALE or SALE AT WHOLESALE. Any one of the following:

"a. A sale of tangible personal property by wholesalers to licensed retail merchants, jobbers, dealers, or other wholesalers for resale and does not include a sale by wholesalers to users or consumers, not for resale;.

"b. A sale of tangible personal property or products, including iron ore, to a manufacturer or compounder which enter into and become an ingredient or component part of the tangible personal property or products which ~~such~~ the manufacturer or compounder manufactures or compounds for sale, whether or not any ~~such~~ tangible personal property or product used in manufacturing or compounding a finished product is used with the intent that it becomes a component of the finished product; provided, however, that it is the intent of this section that no capital equipment, machinery, tools, or product, except for those materials essential for the reaction process and in direct contact with the intermediate and finished product used for the production of the finished product shall be exempt and the furnished container and label thereof;.

"c. A sale of containers intended for one-time use only, and the labels thereof, when ~~such~~ containers are sold without contents to persons who sell or furnish ~~such~~ containers along with the contents placed therein for sale by ~~such~~ persons;.

"d. A sale of pallets intended for one-time use only when ~~such~~ pallets are sold without contents to persons who sell or furnish ~~such~~ pallets along with the contents placed thereon for sale by ~~such~~ persons;.

"e. A sale to a manufacturer or compounder, of crowns, caps, and tops intended for one-time use employed and used upon the containers in which ~~such~~ a manufacturer or compounder markets his products;.

"f. A sale of containers to persons engaged in selling or otherwise supplying or furnishing baby chicks to growers thereof where ~~such~~ containers are used for the delivery of ~~such~~ chicks or a sale of containers for use in the delivery of eggs by the producer thereof to the distributor or packer of ~~such~~ eggs even though ~~such~~ containers used for delivery of baby chicks or eggs may be recovered for reuse;.

"g. A sale of bagging and ties used in preparing cotton for market;.

"h. A sale to meat packers, manufacturers, compounders, or processors of meat products of all casings used in molding or forming wieners and Vienna sausages even though ~~such~~ casings may be recovered for reuse;.

"i. A sale of commercial fish feed including concentrates, supplements, and other feed ingredients when ~~such~~ substances are used as ingredients in mixing and preparing feed for fish raised to be sold on a commercial basis;.

"j. A sale of tangible personal property to any person engaging in the business of leasing or renting ~~such~~ tangible personal property to others, if ~~such~~ tangible personal property is purchased for the purpose of leasing or renting it to others under a transaction subject to the privilege or license tax levied in Article 4 of Chapter 12 of this title against any person engaging in the business of leasing or renting tangible personal property to others;.

"k. A purchase or withdrawal of parts or materials from stock by any person licensed under this division where ~~such~~ parts or materials are used in repairing or reconditioning the tangible personal property of ~~such~~ a licensed person, which tangible personal property is a part of the stock of goods of ~~such~~ a licensed person, offered for sale by him, and not for use or consumption of ~~such~~ a licensed person.

"(10) SALE AT RETAIL or RETAIL SALE. All sales of tangible personal property except those above defined as wholesale sales. The quantities of goods sold or prices at which sold are immaterial in determining whether or not a sale is at retail. Sales of building materials to contractors, builders, or landowners for resale or use in the form of real estate are retail sales in whatever quantity sold. Sales of building materials, fixtures, or other equipment to a manufacturer or builder of modular buildings for use in manufacturing, building, or equipping a modular building ultimately becoming a part of real estate situated in the State of Alabama are retail sales, and the use, sale, or resale of ~~such~~ building shall not be subject to the tax. Sales of tangible personal property to undertakers and morticians are retail sales and subject to the tax at the time of purchase, but are not subject to the tax on resale to the consumer. Sales of tangible personal property or products to manufacturers, quarry operators, mine operators, or compounders, which are used or consumed by them in manufacturing, mining, quarrying, or compounding and do not become an ingredient or component part of the tangible personal property manufactured or compounded are retail sales. The term "sale at retail" or "retail sale" shall also mean and include the withdrawal, use, or consumption of any tangible personal property by any one who purchases same at wholesale, except property which has been previously withdrawn from the business or stock and so used or consumed and with respect to which property tax has been paid because of ~~such~~ previous withdrawal, use, or consumption, except property which enters into and becomes an ingredient or component part of tangible personal property or products manufactured or compounded for sale and not for the personal and private use or consumption of any person so withdrawing, using, or consuming the same; and ~~such~~ wholesale purchaser shall report and pay the taxes thereon. In the case of the sale of equipment, accessories, fixtures, and

other similar tangible personal property used in connection with the sale of commercial mobile services as defined in subdivision (6) above, or in connection with satellite television services, at a price below cost, the term "sale at retail" and "retail sale" shall include those sales, and those sales shall not also be taxable as a withdrawal, use, or consumption of such tangible personal property.

"(11) BUSINESS. All activities engaged in, or caused to be engaged in, with the object of gain, profit, benefit, or advantage, either direct or indirect, and not excepting subactivities producing marketable commodities used or consumed in the main business activity, each of which subactivities shall be considered business engaged in, taxable in the class in which it falls.

"(12) AUTOMOTIVE VEHICLE. A power shovel, dragline, crawler, crawler crane, ditcher, or any similar machine which is self-propelled, in addition to self-propelled machines which are used primarily as instruments of conveyance.

"(b) The use within this state of tangible personal property by the manufacturer thereof, as building materials in the performance of a construction contract, shall, for the purposes of this division, be considered as a retail sale thereof by ~~such~~ manufacturer, who shall also be construed as the ultimate consumer of ~~such~~ materials or property, and who shall be required to report ~~such~~ transaction and pay the sales tax thereon, based upon the reasonable and fair market price thereof at the time and place where same are used or consumed by him or it. Where the contractor is the manufacturer or compounder of ready-mix concrete or asphalt plant mix used in the performance of a contract, whether the ready-mix concrete or asphalt plant mix is manufactured or compounded at the job site or at a fixed or permanent plant location, the tax applies only to the cost of the ingredients that become a component part of the ready-mix concrete or the asphalt plant mix. The provisions of this subsection shall not apply to any tangible personal property which is specifically exempted from the tax levied in this division.

"(c) The sale of lumber by a lumber manufacturer to a trucker for resale is a sale at wholesale as ~~such~~ sales are defined herein where the trucker is either a licensed dealer in lumber or, if a resident of Alabama, has registered with the Department of Revenue, and has received therefrom a certificate of ~~such~~ registration or, if a nonresident of this state purchasing lumber for resale outside the State of Alabama, has furnished to the lumber manufacturer his name, address and the vehicle license number of the truck in which the lumber is to be transported, which name, address, and vehicle license number shall be shown on the sales invoice rendered by the lumber manufacturer. The certificate provided for herein shall be valid for the calendar year of its issuance and may be renewed from year to year on application to the Department of Revenue on or before January 31 of each succeeding year; provided, that if not renewed the certificate shall become invalid for the purpose of this division on February 1.

"(d) The dispensing or transferring of ophthalmic materials, including lenses, frames, eyeglasses, contact lenses, and other therapeutic optic devices, to a patient by a licensed ophthalmologist or optometrist, as a part of his or her professional service, shall not, for purposes of this division, be deemed or considered to constitute a sale, subject to the state sales tax. ~~Such~~ The licensed ophthalmologist or optometrist shall be considered the ultimate consumer of the ophthalmic materials and shall have no responsibility or duty pursuant to this division for the collection of the state sales tax. The sale of the ophthalmic materials to a licensed ophthalmologist or optometrist by a supplier thereof shall be considered a retail sale subject to the state sales tax, and the supplier shall be responsible for collecting ~~such~~ sales tax from the licensed ophthalmologist or optometrist. In no event shall the providing of professional services in connection with the dispensing or transferring of ophthalmic materials by a licensed ophthalmologist or optometrist be considered a sale subject to the state sales tax. All transfers of ophthalmic materials by opticians shall be considered retail sales subject to the state sales tax. The term supplier shall include but not be limited to optical laboratories, ophthalmic material wholesalers, or anyone selling ophthalmic materials to ophthalmologists and optometrists."

Section 2. The provisions of this amendatory act shall have retroactive effect to all open tax years.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 76; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Boyd, Burke, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Papucci, Parker (P), Payne, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Townsend, Turner, Vance, Venable, Willis and Wren.

And the bill:

H. 690. To clarify and confirm the applicability of Section 40-23-1, Code of Alabama 1975, relating to withdrawals of certain inventory and the amount of sales tax thereon, and to provide for a retroactive effect.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 74; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Boyd, Burke, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Moore, Morrison, Morrow, Morton, Murphree, Papucci, Parker (P), Payne, Penry, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren and Wren.

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BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Morrison, the Budget Isolation Resolution relating to the bill, H. 787, was adopted.

Yeas 64; Nays 5.

Yea:

Mr. Speaker, Black (L), Black (M), Boyd, Burke, Collins, Curry, Dean, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Kennedy, Knight (A), Layson, Letson, Lindsey, McAdory, McDaniel, Melton, Millican, Morrison, Morrow, Morton, Murphree, Papucci, Payne, Penry, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sims, Spratt, Starkey, Townsend, Turner, Turnham, Vance, Venable and Willis.

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Nay:

Representatives Baker, Carothers, Clouse, Seibenhener and Thomas (D).

- 5

And the bill:

H. 787. (With Amendment): To provide for the establishment, composition, and powers of the North Alabama Agricultural Museum and Hall of Fame Board.

was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

Amend H. 787 on Page 2, line 16 by striking the word "nine" and inseting in lieu thereof "ten".

Further amend the bill on page 2, line 17 by adding after the colon the following: "One board member shall be appointed by the President of Alabama A&M,"

Further amend the bill on page 3, line 1 by striking "three" and inserting "four"

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 78; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Boyd, Burke, Carns, Collins, Curry, Dean, Dolbare, Drake, Dukes, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Knight (A), Layson, Letson, Lindsey, McAdory, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Spratt, Starkey, Townsend, Turner, Turnham, Vance, Venable, Warren and Willis.

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AMENDMENT OFFERED

Representative Carothers offered the following amendment to the bill, H. 787, as amended:

To amend H. 787 on page 4, line 8 by adding after the period the following: "It is the intent of the Legislature that no funds shall be appropriated to the North Alabama Agriculture Museum and Hall of Fame Board from funds currently appropriated or appropriated in the future to the Alabama Agriculture Museum.

TIME TO DEBATE EXPIRED

In accordance with the resolution, H.R. 342, the time to debate the bill, H. 787, as amended, and the pending amendment expired and the Speaker proceeded to the next bill on the Special Order Calendar.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Layson, the Budget Isolation Resolution relating to the bill, H. 912, which was previously temporarily carried over was adopted.

Yeas 59; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Boyd, Carns, Carothers, Clouse, Collins, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Hawk, Hawkins, Hayden, Hill, Hilliard, Hogan, Houston, Johnson (E), Johnson (R), Knight (A), Laird, Layson, McDaniel, Melton, Millican, Minnifield, Moore, Morrow, Murphree, Newton (C), Papucci, Parker (T), Payne, Penry, Pringle, Rogers (M), Seibenhener, Sims, Spratt, Starkey, Thomas (D), Townsend, Turnham, Vance, Venable and Willis.

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And the bill:

H. 912. (With Amendment): Relating to Pickens County; to provide for a rehabilitation board to supervise and administer the rehabilitation processes of this act; to provide further for the carrying out of the provisions of this act; to provide misdemeanor penalties; and to repeal all laws or parts of laws which conflict with this act.

was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 1, said committee amendment being as follows:

Amend H. 912 as follows:

On page one, in lines 23 and 24, delete the following: "the chief deputy of the Pickens County Sheriff's Department" and insert in lieu thereof: the district attorney or his or her designee

AMENDMENT TABLED

On motion of Representative Layson, the committee amendment to the bill, H. 912, was tabled.

Yeas 68; Nays 1.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Carns, Carothers, Clouse, Collins, Curry, Dean, Dolbare, Drake, Dukes, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hamilton, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Laird, Layson, Letson, Lindsey, McDaniel, McMillan, Melton, Millican, Moore, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Penry, Pringle, Rogers (J), Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren and Willis.

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Nay:

Representative Petelos.

- 1

AMENDMENT OFFERED

Representative Layson offered the following amendment to the bill, H. 912:

On page 1, lines 23 and 24, delete the following: "the chief deputy of the Pickens County Sheriff's Department" and insert in lieu thereof: the Chairman of the Pickens County Commission

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 75; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Boyd, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hamilton, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Letson, Lindsey, McDaniel, McMillan, Melton, Millican, Minnifield, Moore, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Vance, Venable and Willis.

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And the bill:

H. 912. Relating to Pickens County; to provide for a rehabilitation board to supervise and administer the rehabilitation processes of this act; to provide further for the carrying out of the provisions of this act; to provide misdemeanor penalties; and to repeal all laws or parts of laws which conflict with this act.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 71; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Boyd, Burke, Carns, Carothers, Clouse, Collins, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hamilton, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Letson, McDaniel, McMillan, Millican, Minnifield, Moore, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turnham, Vance, Venable and Willis.

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RESOLUTIONS

The following resolutions were introduced:

By Representative White:

H.J.R. 343. COMMENDING BILLY JOE THROWER OF MADISON COUNTY AS A FIRST RECIPIENT OF THE ALABAMA LEGISLATURE LAW ENFORCEMENT MEDAL.

WHEREAS, it is with highest commendation that the Legislature of Alabama recognizes Deputy Sheriff Billy Joe Thrower of the Madison County Sheriff's Department as a first recipient of the Alabama Legislature Law Enforcement Medal of Honor, the state's highest law enforcement award for extraordinary courage in the line of duty; and

WHEREAS, Madison County Deputy Sheriff Billy Joe Thrower, a 16-year veteran of the Madison County Sheriff's Department, was critically wounded in the line of duty on November 1, 1994, in an incident involving the taking into custody of a county resident for mental evaluation in which another deputy sheriff, Thomas Robert Lewis, died; and

WHEREAS, during the incident, the assailant opened fire on Deputy Thrower and the three other deputies present with a 12-gauge shotgun, critically injuring Deputy Thrower, who, despite his own injury, was able to return fire and kill the assailant, thereby preventing further injury or death to the remaining two deputies; and

WHEREAS, Deputy Thrower experienced kidney failure as a complication of his wounds; and

WHEREAS, thanks to the love and sacrifice of his beloved sister, Anita Scheidecker, who donated a kidney in a delicate operation performed recently at UAB Hospital, Deputy Thrower is recovering, and we wish for him a complete and speedy recovery; and

WHEREAS, Deputy Thrower is truly a worthy exemplar of the dedicated law enforcement officer who, under the most adverse conditions, willingly places his life in jeopardy in his dedicated commitment to duty; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Deputy Sheriff Billy Joe Thrower as a first recipient of the Alabama Legislature Law Enforcement Medal of Honor, and, with sincere best wishes, direct that he receive a copy of this resolution as a measure of our admiration and esteem.

On motion of Representative White, the rules were suspended and the resolution, H.J.R. 343, was adopted.

Also:

By Representative White:

H.J.R. 344. COMMENDING EARNEST IVY EVANS OF CAMDEN, ALABAMA, AS A FIRST RECIPIENT OF THE ALABAMA LEGISLATURE LAW ENFORCEMENT MEDAL.

WHEREAS, it is with highest commendation that the Legislature of Alabama recognizes Chief Deputy Sheriff Earnest Ivy Evans of the Wilcox County Sheriff's Department as a first recipient of the Alabama Legislature Law Enforcement Medal of Honor, the state's highest law enforcement award for extraordinary courage in the line of duty; and

WHEREAS, on the evening of April 23, 1994, having returned from the investigation of a robbery call at a residence in Coy, Alabama, Chief Deputy Evans overheard the radio dispatch of state troopers who were checking the registration of a pick-up truck they has stopped for a headlight violation; and

WHEREAS, Deputy Evans, recognizing the description of the vehicle as the one used in the robbery earlier, responded to the scene; and

WHEREAS, as he approached the vehicle and opened the driver-side door, a shot was fired by the vehicle driver, injuring Deputy Evans in the mouth and chest; and

WHEREAS, a return of gunfire ensued by Deputy Evans and troopers on the scene, killing the suspect; Deputy Evans, however, fortunately recovered from his serious injuries within several months; and

WHEREAS, Chief Deputy Evans is truly a worthy exemplar of the dedicated law enforcement officer who, under the most adverse conditions, willingly places his life in jeopardy in his dedicated commitment to duty; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Chief Deputy Sheriff Earnest Ivy Evans as a first recipient of the Alabama Legislature Law Enforcement Medal of Honor, and, with sincere best wishes, direct that he receive a copy of this resolution as a measure of our admiration and esteem.

On motion of Representative White, the rules were suspended and the resolution, H.J.R. 344, was adopted.

SPECIAL ORDER CALENDAR RESUMED

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Penry, the Budget Isolation Resolution relating to the bill, H. 197, was adopted.

Yeas 70; Nays 0.

Yea:

Representatives Allen, Bandy, Black (M), Boyd, Burke, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Layson, Letson, Lindsey, McAdory, McClammy, McDaniel, McMillan, Millican, Minnifield, Mitchell, Moore, Morton, Murphree, Papucci, Payne, Penry, Pringle, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Townsend, Turner, Vance, Venable, Willis and Wren.

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And the bill:

H. 197. (With Substitute): Relating to forest products, to amend Section 9-13-63 of the Code of Alabama 1975, as amended by Act No. 93-888 of the 1993 First Special Session, to provide a monetary range for the fine imposed upon a person, firm, or corporation for failing to keep records or falsifying records concerning the purchase of unmanufactured or semimanufactured forest products.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Agriculture, Forestry and Natural Resources, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

Relating to forest products, to amend Section 9-13-63 of the Code of Alabama 1975, as amended by Act No. 93-888 of the 1993 First Special Session, to provide a monetary range for the fine imposed upon a person, firm, or corporation for failing to keep records or falsifying records concerning the purchase of unmanufactured or semimanufactured forest products, and to specify certain record keeping requirements regarding purchasers of forest products.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 9-13-63 of the Code of Alabama 1975, as amended by Act No. 93-888 of the 1993 First Special Session, is amended to read as follows:

"§9-13-63.

"Any person, firm, or corporation buying, contracting to buy, or otherwise acquiring logs, poles, piling, crossties, pulpwood, veneer bolts, stave bolts, or

other unmanufactured or semimanufactured forest products shall keep a written record in this state of every such purchase. The record shall contain the name of the person or persons from whom the product was acquired, the landowner of the land from which the property was acquired, and the county from which the timber or other forest product was severed, the amount thereof and the date of delivery, which information shall be obtained from the person or persons from whom the product was acquired. This record shall be a true, accurate, and correct statement of the transaction as provided for in this section. Any person who knowingly gives false information to the purchaser of the product or who willfully misstates the facts with intent to defraud is guilty of a misdemeanor and shall be punished by a fine of not less than \$100 nor more than \$1000, or a jail sentence of not less than 10 days nor more than one year or both fine and imprisonment. The purchaser shall be entitled to rely upon the information furnished by the seller. The information given under this section shall be kept by the person or persons acquiring the forest products and shall be available, during business hours, to a duly authorized agent or employee of the State Forestry Commission. The record shall be kept available for a period of not less than three years. Any person, firm, or corporation failing to keep the record or in any manner falsifying it is guilty of a misdemeanor and shall be punished by a fine of not less than \$100 nor more than \$1000, or a jail sentence of not less than 10 days nor more than a year or both fine and imprisonment."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 80; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Box, Boyd, Burke, Buskey, Cams, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Layson, Letson, Lindsey, McClammy, McDaniel, McMillan, Millican, Mitchell, Moore, Morrison, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Townsend, Turner, Vance, Venable, Warren, White, Willis and Wren.

And the bill:

H. 197. Relating to forest products, to amend Section 9-13-63 of the Code of Alabama 1975, as amended by Act No. 93-888 of the 1993 First Special Session, to provide a monetary range for the fine imposed upon a person, firm, or corporation for failing to keep records or falsifying records concerning the purchase of unmanufactured or semimanufactured forest products, and to specify certain record keeping requirements regarding purchasers of forest products.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 82; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Layson, Letson, Lindsey, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Mitchell, Moore, Morrison, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Penry, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Townsend, Turner, Vance, Venable, Warren, White, Willis and Wren.

-82

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Knight (J), the Budget Isolation Resolution relating to the bill, H. 807, was adopted.

Yeas 84; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Box, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Ford, Fuller, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Letson, Lindsey, McAdory, McClammy, McDaniel, McMillan, Melton, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Townsend, Turner, Vance, Venable, Warren, White, Willis and Wren.

-84

And the bill:

H. 807. (With Substitute): To provide further for information to be contained on documents conveying an interest in real property that are offered for recordation in the office of probate judge, and to provide for an effective date.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on State Administration, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To provide further for information to be contained on documents conveying an interest in real property that are offered for recordation in the office of probate judge, and to provide for an effective date.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. (a) No judge of probate shall receive for record or permit the recording of any instrument in which the title to real property, or any interest in real property is conveyed, granted, or otherwise disposed of except those conveyances through intestate estates, by will, gift, or mortgage, or through court order, unless the instrument has endorsed on it, or attached to it, a printed, typewritten, or stamped statement showing the name and address of the individual who prepared the instrument as required under Section 35-4-110, Code of Alabama 1975, the mailing address of the grantee or other person to whom ad valorem tax statements and other notices regarding ad valorem taxes should be sent. The grantee shall also offer proof of the purchase price of the property conveyed to the clerk in the office of the judge of probate where the deed is to be recorded. Proof of the purchase price of the property conveyed shall consist of a copy of the cancelled check of the sale, a copy of the closing statement, or any other document verifying the purchase price. In the alternative, a statement of the purchase price of the property conveyed may be made under oath by the grantee who signs the statement.

(b) An instrument is in compliance with this act if it contains a statement substantially in the following form:

"Send ad valorem tax notice to (Name) _____
(Address) _____."

"The purchase price of the property conveyed in this transaction is _____. The stated purchase price is true and correct. The undersigned certifies the correctness of the purchase price as he or she knows it and this certification is made under oath.

Grantee"

(c) The failure of the statement to comply with this act or the absence of the statement shall not invalidate or adversely affect the instrument or the conveyance made by the instrument.

Section 2. This act shall become effective October 1, 1995, after its passage and approval by the Governor, or upon its otherwise becoming a law.

TIME TO DEBATE EXPIRED

In accordance with the resolution, H.R. 342, the time to debate the bill, H. 807, and the pending committee substitute expired and the Speaker proceeded to the next bill on the Special Order Calendar.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Rogers (J), the Budget Isolation Resolution relating to the bill, H. 885, was adopted.

Yeas 41; Nays 21.

Yea:

Representatives Baker, Bandy, Boyd, Burke, Buskey, Clark (W), Dean, Ford, Galliher, Gipson, Hall (A), Hall (L), Hayden, Hill, Hilliard, Hinshaw, Hooper, Houston, Jackson, Johnson (E), Jorgensen, Knight (A), Knight (J), Letson, McAdory, McClammy, Melton, Mitchell, Morrow, Murphree, Papucci, Petelos, Reed, Rogers (J), Rogers (M), Sims, Spratt, Thomas (D), Turner, Vance and Warren.

-41

Nay:

Representatives Carns, Collins, Crigler, Curry, Dolbare, Drake, Gaston, Guin, Hawkins, Hogan, Laird, Layson, McDaniel, Moore, Morrison, Newton (C), Payne, Smith, Townsend, Willis and Wren.

-21

And the bill:

H. 885. To allow the transportation of certain machines which, based on the skill of the player, provide a reward not to exceed a certain number of free replays, a certain dollar amount for the prizes given, and provide certain items as prizes; and provide for penalties.

was taken up.

AMENDMENT OFFERED

Representative Rogers (J) offered the following amendment to the bill, H. 885:

Amend H. 885 on page 5, Section T, line(s) 7 & 8 by striking that section T in its entirety

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 50; Nays 2.

Yea:

Mr. Speaker, Baker, Bandy, Black (L), Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Crigler, Dean, Dolbare, Ford, Gaines, Galliher, Gipson, Hall (L), Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hooper, Jackson, Johnson (E), Johnson (R), Knight (A), Knight (J), Letson, McClammy, Melton, Mitchell, Morrow, Newton (C), Papucci, Payne, Petelos, Pringle, Reed, Rogers (J), Rogers (M), Sanderson, Sims, Spratt, Thomas (D), Turner, Warren and Willis.

-50

Nay:

Representatives Drake and Gaston.

- 2

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

TIME TO DEBATE EXPIRED

In accordance with the resolution, H.R. 342, the time to debate the bill, H. 885, as amended, expired and the Speaker proceeded to the next bill on the Special Order Calendar.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Galliher, the Budget Isolation Resolution relating to the bill, H. 58, was adopted.

Yeas 73; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Buskey, Carns, Carothers, Clark (W), Clouse, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hawkins, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Letson, Lindsey, McAdory, McClammy, McDaniel, McMillan, Melton, Mitchell, Morrison, Morrow, Murphree, Newton (C), Page, Papucci, Parker (T), Payne, Penry, Petelos, Robinson, Rogers (M), Sanderford, Seibenhener, Sims, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Warren, White, Willis and Wren.

-73

And the bill:

H. 58. (With Amendment): To provide distinctive motor vehicle license tags or plates for members of the Masons; providing for the fees for these tags or plates and for the disposition of the net proceeds from the fees; and providing for a delayed effective date.

was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

Page 1, line 27, delete the language beginning with the word "bearing" through the word "number" on page 2, line 4.

Insert the following language after the word "plate" on page 1, line 27: upon which, in lieu of the numbers prescribed by law, shall be inscribed special letters, figures, numbers, or other marks, emblems, symbols, or badges of distinction or personal prestige, or combination thereof, as are approved for and assigned to the application by the Department of Revenue

Page 2, line 9, overstrike the phrase "or pleasure motor"

Page 2, line 25, after the period following the word "Alabama" insert the following: In addition to any and all other funds heretofore or hereafter appropriated, there is hereby appropriated to the department of revenue from the taxes collected pursuant to this act for the fiscal year ending September 30, 1995, the sum of \$2,000.00 as cost of collection to implement and administer the provisions of this act.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 82; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Boyd, Buskey, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Mitchell, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (T), Payne, Penry, Reed, Robinson, Rogers (M), Sanderford, Seibenhener, Sims, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Willis.

-82

And the bill:

H. 58. To provide distinctive motor vehicle license tags or plates for members of the Masons; providing for the fees for these tags or plates and for the disposition of the net proceeds from the fees; and providing for a delayed effective date.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 81; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Boyd, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gipson, Graham, Guin, Hall (L), Hamilton, Hammett, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper,

Houston, Jackson, Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Mitchell, Morrison, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Reed, Robinson, Rogers (M), Sanderford, Seibenhener, Sims, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren and Willis.

-81

MESSAGE FROM THE SENATE

Mr. Speaker:

The Presiding Officer of the Senate having signed the following Senate Bill with Executive Amendment, your signature thereto is requested:

S. 74. To require timely payments to contractors, subcontractors, and sub-subcontractors; and to provide for interest on late payments.

McDOWELL LEE
Secretary

SIGNING OF SENATE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Presiding Officer of the Senate having signed the following Senate Joint Resolution, your signature thereto is requested:

S.J.R. 92. CREATING A JOINT LEGISLATIVE STUDY COMMITTEE TO EVALUATE THE NEEDS OF INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES AND THEIR FAMILIES.

McDOWELL LEE
Secretary

SIGNING OF SENATE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolution, the title of which is set out in the foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H.J.R. 331. URGING THE ALABAMA CONGRESSIONAL DELEGATION TO PROPOSE AND SUPPORT LEGISLATION TO ENCOURAGE EMPLOYMENT IN THE HOME HEALTH CARE INDUSTRY IN RURAL AREAS.

Also:

H.J.R. 333. COMMENDING DR. REGINA M. BENJAMIN FOR OUTSTANDING SERVICE.

Also:

H.J.R. 334. MOURNING THE DEATH OF LOUIS J. FRANCIS OF BEAUMONT, TEXAS.

Also:

H.J.R. 335. DESIGNATING OCTOBER 1995 AS ALABAMA SEAFOOD MONTH.

Also:

H.J.R. 336. COMMENDING DAVID D. ROBERTS, JR., OF MOBILE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT AND SERVICE TO THE MOBILE COMMUNITY.

McDOWELL LEE
Secretary

SPECIAL ORDER CALENDAR RESUMED**BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Turner, the Budget Isolation Resolution relating to the bill, H. 866, was adopted.

Yeas 87; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, McAdory, McClammy, McDaniel, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Willis.

-87

And the bill:

H. 866. To amend Section 11-43-144, Code of Alabama 1975; to provide further for compensation for death or disability of fire fighters from occupational diseases.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 89; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, McAdory, McClammy, McDaniel, McMillan, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Willis.

-89

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Spratt, the Budget Isolation Resolution relating to the bill, H. 819, was adopted.

Yeas 71; Nays 1.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Collins, Curry, Dean, Dolbare, Dukes, Fuller, Gaines, Gaston, Guin, Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Lindsey, Maull, McAdory, McClammy, McDaniel, Melton, Millican, Minnifield, Mitchell, Moore, Morrow, Morton, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Petelos, Reed, Robinson, Rogers (J), Sanderford, Smith, Spratt, Thomas (D), Townsend, Turner, Vance, Venable, Warren, White and Willis.

-71

Nay:

Representative Hall (A).

- 1

And the bill:

H. 819. To authorize the governing bodies of counties and municipalities within the state to establish intercooperative public corporations for efficient compliance with applicable federal and state laws, rules and regulations relating to storm water discharges into municipal separate storm sewers; to provide the designated governing bodies of counties and municipalities within the state with the legal authority to control the contribution of pollutants to municipal storm sewers by storm water discharges associated with industrial activity, as well as illicit discharges and other discharges not composed entirely of storm water, to the extent the same is required under federal and state regulations; to authorize the counties and municipalities the option to participate with the public corporation; to authorize the public corporation to employ individuals directly or indirectly, to contract services, to purchase real and personal property, to construct and operate storm water facilities, to undertake studies and develop information regarding storm water runoff, to adopt policies, procedures, and rules applicable to its members, to develop pro forma remedies and procedures for enforcement of resolutions and ordinances, to sue and be sued except as immunized hereby, to establish the cost, charges, fees, or assessments necessary to fund operations and activities, to establish procedure for assessment and collection by the tax assessor and tax collector of such cost, charges, fees, or assessments levied by a member governing body, to authorize its agents to enter public or private property

to investigate contamination with immunity from trespass, to conduct public hearings in the development of pro forma regulations and ordinances; to exempt the property and income and conveyances of or by the public corporation from state and local taxation and probate fees and taxes; to immunize the public corporation from civil suit and its board members and employees from liability for official duties; to confirm the governmental function of the public corporations' activities; to confirm the same or similar authority, powers, and immunity of governing bodies to control, prohibit, and enforce storm water laws and regulations; to confirm governing bodies' authority to adopt resolutions and ordinances to implement the storm water laws and procedures and this act and to participate in the public corporation and with other governing bodies and to authorize the governing bodies to establish fees, charges, or assessments without referendum unless required by the Constitution, to authorize the levy and collection thereof by the tax assessor and tax collector, to establish by resolution or ordinance necessary enforcement measures, civil suit, and injunctive remedies; to confirm governing bodies' eminent domain authority; to require the tax assessor and tax collector to assist in the collection of fees, charges, and assessments, to establish a lien therefor and a collection commission, to exclude the Alabama Department of Environmental Management permittees, to confirm the continuing authority of the Alabama Department of Environmental Management and other state agencies; to declare the severability provisions and to establish an effective date.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 62; Nays 5.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Box, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Curry, Dean, Dolbare, Dukes, Fuller, Gaines, Galliher, Gaston, Graham, Guin, Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Lindsey, Maul, McAdory, McClammy, McDaniel, Melton, Millican, Minnifield, Moore, Morrow, Morton, Newton (C), Page, Papucci, Payne, Petelos, Reed, Sanderford, Spratt, Thomas (D), Townsend, Venable, Warren and Wren.

-62

Nay:

Representatives Hall (A), McMillan, Penry, White and Willis.

- 5

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Townsend, the Budget Isolation Resolution relating to the bill, H. 847, was adopted.

Yeas 67; Nays 4.

Yea:

Mr. Speaker, Allen, Black (M), Burke, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dolbare, Flowers, Gaston, Gipson, Guin, Hammett, Haney, Hawk, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Lindsey, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Penry, Petelos, Reed, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Townsend, Turnham, Vance, Venable, Willis and Wren.

-67

Nay:

Representatives Carns, Gaines, Hayden and Payne.

- 4

And the bill:

H. 847. To amend Section 32-1-4 of the Code of Alabama 1975, relating to the circumstances where appearance before a magistrate is not required upon arrest for a traffic offense; to provide that a person arrested for a traffic violation punishable as a misdemeanor would be required to appear before a magistrate in certain cases where the person is not validly licensed or whose identity cannot be established by the arresting officer.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 64; Nays 8.

Yea:

Mr. Speaker, Allen, Black (M), Burke, Carothers, Clark (W), Collins, Crigler, Curry, Dolbare, Dukes, Flowers, Fuller, Gaston, Guin, Hamilton, Hammett, Haney, Hawk, Hawkins, Hilliard, Hinshaw, Hogan, Houston, Johnson (E), Johnson (R), Jorgensen, Knight (A), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Morrison, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Penry, Petelos, Reed,

Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Townsend, Turner, Turnham, Vance, Venable, Willis and Wren.

-64

Nay:

Representatives Carns, Gaines, Hayden, Hill, Morrow, Page, Payne and Thomas (D).

- 8

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Murphree, the Budget Isolation Resolution relating to the bill, H. 818, was adopted.

Yeas 85; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Gaines, Gaston, Gipson, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Willis and Wren.

-85

And the bill:

H. 818. To repeal Article 2 of Chapter 2 of Title 37 of the Code of Alabama 1975, Sections 37-2-170 to 37-2-184, inclusive, relating to certain telephone companies and requiring approval of the Public Service Commission prior to obtaining loans under certain conditions.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 86; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Gaines, Gaston, Gipson, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Willis and Wren.

-86

BUDGET ISOLATION RESOLUTION OFFERED

Representative Minnifield offered the motion to adopt the Budget Isolation Resolution relating to the bill, H. 618.

TIME TO DEBATE EXPIRED

In accordance with the resolution, H.R. 342, the time to debate the bill, H. 618, and the pending Budget Isolation Resolution expired and the Speaker proceeded to the next bill on the Special Order Calendar.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Johnson (R), the Budget Isolation Resolution relating to the bill, H. 474, was adopted.

Yeas 80; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Box, Boyd, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, McAdory, McClammy, McDaniel, McMillan, Melton, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Pringle, Reed, Robinson,

Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Townsend, Turner, Turnham, Vance, Venable and Willis.

-80

And the bill:

H. 474. To require the exchange of immunization status data of patients, upon request, among public and private health care providers, health care insurers, certain educational institutions, and organizations with a need to verify the immunization status of persons in their care, custody, or enrollment; and to provide immunity for the good faith exchange of information pursuant to this act.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 87; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, McClammy, McDaniel, McMillan, Melton, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Willis.

-87

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Black (M), the Budget Isolation Resolution relating to the bill, H. 632, was adopted.

Yeas 74; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Boyd, Burke, Buskey, Carothers, Clark (W), Clouse, Collins, Crigler, Dean, Dolbare, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston,

Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Layson, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Moore, Morrison, Morrow, Morton, Newton (C), Page, Papucci, Parker (P), Parker (T), Penry, Reed, Rogers (J), Rogers (M), Sanderford, Sims, Smith, Spratt, Thomas (D), Turnham, Vance, Venable, Warren, White and Willis.

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And the bill:

H. 632. Relating to health insurance; to authorize the local unit participants in the Employees' Retirement System to extend health insurance coverage to certain retirees, designated beneficiaries, and surviving spouses receiving benefits from the Employees' Retirement System; to authorize the local units to participate in a health insurance plan developed by the State Employees' Insurance Board or the Alabama Retired State Employees' Association and to authorize payment by the local units for the costs of the health insurance.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 83; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Hawkins, Hill, Hilliard, Hinshaw, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Moore, Morrison, Morrow, Morton, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Reed, Robinson, Rogers (J), Sanderford, Sanderson, Sims, Smith, Spratt, Thomas (D), Townsend, Turner, Turnham, Venable, Warren, White and Willis.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 2. To alter or rearrange the boundary lines of the Town of Toxey, Choctaw County, Alabama, so as to include within the corporate limits of said

Town all territory now within such corporate limits and also certain other territory contiguous thereto, in Choctaw County, Alabama.

Also:

H. 19. Relating to Clarke County; providing for the pistol permit fee of the sheriff; providing for the distribution of the funds; providing for the establishment of a fund known as "The Sheriff's Fund"; providing for an audit of the funds; and providing for the repeal of Act No. 294. H. 1052, 1977 Regular Session (Acts 1977, p. 396).

Also:

H. 35. Relating to Elmore County; amending Section 1 of Act No. 91-539, H. 1094, 1991 Regular Session, relating to the compensation of the coroner of Elmore County, to further provide for the compensation of the coroner and assistant coroners of Elmore County; and specifically repealing Act No. 83-691, H. 677 of the 1983 Regular Session, relating to the coroner's compensation.

Also:

H. 61. Relating to Henry County; amending Act No. 93-386, H. 828, 1993 Regular Session, which provided for additional court costs, to provide further for those costs.

Also:

H. 109. To propose an amendment to the Constitution of Alabama of 1901, for Shelby County, providing further for license taxes on certain real estate operations and transactions.

McDOWELL LEE
Secretary

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 908. Relating to the City of Anniston in Calhoun County; to provide for the restructuring of the Water Works and Sewer Board of the City of Anniston; and to increase the membership.

TOMMY CARTER
Chairman

And the bill, H. 908, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 304. Relating to Barbour County and the office of the judge of probate; to provide a special recording or issuance fee in addition to all existing fees and charges for documents filed for record and each motor vehicle certificate of title issued in the county; and to provide for the use of the fees for the payment of general office expenses by the judge of probate; and to provide for an expiration date.

TOMMY CARTER
Chairman

And the bill, H. 304, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 197. Relating to forest products, to amend Section 9-13-63 of the Code of Alabama 1975, as amended by Act No. 93-888 of the 1993 First Special Session, to provide a monetary range for the fine imposed upon a person, firm, or corporation for failing to keep records or falsifying records concerning the purchase of unmanufactured or semimanufactured forest products, and to specify certain record keeping requirements regarding purchasers of forest products.

TOMMY CARTER
Chairman

And the bill, H. 197, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 912. Relating to Pickens County; to provide for a rehabilitation board to supervise and administer the rehabilitation processes of this act; to provide further for the carrying out of the provisions of this act; to provide misdemeanor penalties; and to repeal all laws or parts of laws which conflict with this act.

TOMMY CARTER
Chairman

And the bill, H. 912, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 455. To amend Section 36-27-50, Code of Alabama 1975, to reopen the Employees' Retirement System for a certain time to allow certain employees to purchase certain prior service credit as a temporary employee of the legislative branch in the retirement system.

TOMMY CARTER
Chairman

And the bill, H. 455, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 690. To clarify and confirm the applicability of Section 40-23-1, Code of Alabama 1975, relating to withdrawals of certain inventory and the amount of sales tax thereon, and to provide for a retroactive effect.

TOMMY CARTER
Chairman

And the bill, H. 690, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H.J.R. 336. COMMENDING DAVID D. ROBERTS, JR., OF MOBILE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT AND SERVICE TO THE MOBILE COMMUNITY.

Also:

H.J.R. 331. URGING THE ALABAMA CONGRESSIONAL DELEGATION TO PROPOSE AND SUPPORT LEGISLATION TO ENCOURAGE EMPLOYMENT IN THE HOME HEALTH CARE INDUSTRY IN RURAL AREAS.

Also:

H.J.R. 333. COMMENDING DR. REGINA M. BENJAMIN FOR OUTSTANDING SERVICE.

Also:

H.J.R. 334. MOURNING THE DEATH OF LOUIS J. FRANCIS OF BEAUMONT, TEXAS.

Also:

H.J.R. 335. DESIGNATING OCTOBER 1995 AS ALABAMA SEAFOOD MONTH.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the foregoing Report of the Standing Committee on Rules.

SPECIAL ORDER CALENDER RESUMED

BUDGET ISOLATION RESOLUTION OFFERED

Representative Hawk offered the motion to adopt the Budget Isolation Resolution relating to the bill, H. 713.

TIME TO DEBATE EXPIRED

In accordance with the resolution, H.R. 342, the time to debate the bill, H. 713, and the pending Budget Isolation Resolution expired and the Speaker proceeded to the next bill on the Special Order Calendar.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 613. Relating to Elmore County; amending Act No. 481, H. 1136, 1977 Regular Session, as amended, to provide further for the compensation of the county superintendent of education.

Also:

H. 699. Relating to Tuscaloosa County; to provide that the bailiffs for the Sixth Judicial Circuit of Alabama shall be authorized and allowed to participate in law enforcement minimum standard training; and to authorize leaves of absence for the bailiffs for the purposes provided for in this act.

Also:

H. 708. Relating to Walker County; to provide for the levy, collection, and distribution of an additional tax on tobacco and tobacco products; and to provide for an advisory referendum.

Also:

H. 709. Relating to Walker County; authorizing the sheriff to operate a jail store for prisoners in county custody; providing for the deposit, distribution, and auditing of monies earned; and confirming and ratifying certain prior actions.

Also:

H. 710. Relating to Walker County; creating the Walker County Sheriff Service of Process Serving Fund; to further provide for service of process in Walker County; to provide that the Sheriff of Walker County may contract with or enter into contract or agreement with a private, public, or governmental entity for the purpose of service of process; to increase the fee for civil or criminal documents, with certain exceptions; and to provide for the disposition of funds.

McDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 564. Relating to Pike County; fixing the fee for an issuance of a pistol permit by the sheriff and providing for the disposition and use of the proceeds; and repealing Act No. 80-112, H. 567 of the 1980 Regular Session (Acts 1980, p. 164).

Also:

H. 573. Relating to the Twelfth Judicial Circuit of Alabama; authorizing the district attorney to establish a restitution recovery division within the Office of the District Attorney; to provide for collection and the enforcement of court orders in certain cases of nonpayment of restitution to victims of crime, court costs, fines, penalty payments, victim compensation assessments, and bond forfeitures; to provide a collection fee; to provide funding for the new restitution recovery division; and to provide for a Circuit Clerk's Fund to assist the clerk in the implementation of this act.

Also:

H. 596. Relating to Shelby County; to provide that the county commission may install self-service computer terminals to provide information and process motor vehicle tag renewals and other similar services in the county; and to authorize the county commission to collect additional fees from users of self-service computer terminals.

Also:

H. 638. Proposing an amendment to the Constitution of Alabama of 1901, to provide that certain elected public officials in Washington County may participate in the Employees' Retirement System in lieu of participating in a supernumerary program or system.

Also:

H. 674. Relating to Lauderdale County; to amend Section 3 of Act No. 586, H. 717 of the 1965 Regular Session (Acts 1965, p. 1095) creating a civil service board of appeals, to provide for membership of the civil service board of appeals; and to specifically repeal Act No. 1695, H. 2263 of the 1971 Regular Session (Acts 1971, p. 2852), creating a civil service board in counties having a population of not less than 65,500 nor more than 75,200 according to the most recent or any subsequent federal decennial census.

McDOWELL LEE
Secretary

SPECIAL ORDER CALENDER RESUMED

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Knight (A), the Budget Isolation Resolution relating to the bill, H. 735, was adopted.

Yeas 80; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Curry, Dean, Dolbare, Dukes, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Letson, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Thomas (D), Townsend, Turner, Warren and Willis.

And the bill:

H. 735. (With Substitute): To encourage environmental, health, and safety (EHS) audits by creating a limited EHS audit privilege; to provide for the use of the EHS audit privilege.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Commerce, Transportation and Utilities, said committee substitute being as follows:

To encourage environmental, health, or safety (EHS) audits by creating a limited EHS audit privilege; to provide for the use of the EHS audit privilege.

SUBSTITUTE TO SUBSTITUTE OFFERED

Representative Knight (A) offered the following substitute to the substitute reported by the Standing Committee on Commerce, Transportation and Utilities to the bill, H. 735:

A BILL TO BE ENTITLED AN ACT

To encourage environmental, health, or safety (EHS) audits by creating a qualified EHS audit privilege; to provide for the use of the EHS audit privilege.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The Legislature finds and declares the following:

(1) Protection of the public interest is enhanced by an organization's voluntary compliance with applicable law.

(2) Voluntary compliance is most effectively achieved through the implementation of regular self-evaluative activities such as EHS audits.

(3) It is in the public interest to encourage regular self-evaluative activity by assuring qualified protection of EHS audits and fair treatment of those who report audit findings to regulatory authorities.

Section 2. As used in this act, the following words shall have the meanings respectively ascribed to them:

(1) **APPLICABLE LAW OR LAWS.** All federal, state, and local environmental, health, or safety statutes, rules, regulations, and permits with which an organization must comply.

(2) **EHS AUDIT.** A voluntary, internal evaluation of activities or facilities regulated under applicable law or management systems related to the facilities or activities. An EHS audit is designed to identify and prevent noncompliance and to improve compliance with applicable laws. An EHS audit may be conducted by the owner or operator of the facility, by the employees of the facility, or by independent contractors.

(3) **EHS AUDIT REPORT.** A set of documents, labeled "EHS Audit Report: Privileged Document" and prepared as a result of an EHS audit. An EHS audit report may include, but is not limited to, field notes and records of observations, findings, opinions, suggestions, conclusions, drafts, memoranda, drawings, photographs, computer-generated or electronically-recorded information, maps, charts, graphs, and surveys, provided the supporting information is collected or developed for the primary purpose and in the course of an EHS audit. An EHS audit report, when completed, may have three components:

a. An audit report which may include a statement outlining the scope of the audit, the information gained in the audit, conclusions, recommendations, exhibits, and appendices.

b. Memoranda and documents analyzing portions or all of the audit report or discussing implementation issues.

c. An implementation plan that addresses correcting past noncompliance, improving current compliance, or preventing future noncompliance.

Section 3. (a) In order to encourage owners and operators of facilities, and other persons conducting activities regulated under applicable law, both to conduct voluntary internal EHS audits of their compliance programs and management systems and to assess and improve compliance with these laws, an EHS audit report shall be privileged and shall not be admissible as evidence in any civil, criminal, or administrative proceeding, except as provided in Section 4 of this act.

(b) If an EHS audit report, or any part thereof, is subject to the privilege recognized in subsection 3 (a), no person who conducts an EHS audit report, and no person to whom the audit results are disclosed, may be compelled to testify regarding any matter which was the subject of the audit and which is addressed in a privileged part of the EHS audit report.

Section 4. (a) The EHS audit report and information generated by the EHS audit may, without waiving the privilege, be disclosed to any person employed by the owner or operator of the audited facility, any legal representative of the owner or operator, or any independent contractor retained by the owner or operator to address an issue or issues raised by the EHS audit.

(b) Disclosure of all or a portion of the EHS audit report or any information generated by the EHS audit to persons other than those listed in subsection (b), waives the privilege with regard to the specific information disclosed, except for the following disclosures:

(1) Disclosures made under the terms of a confidentiality agreement between the owner or operator of the facility audited and a potential purchaser of, lender for or insurer of the business or facility audited, provided that the disclosed information is protected from further disclosure.

(2) Disclosures made to governmental officials under the terms of a confidentiality agreement with the owner or operator of the facility audited.

(c) In a civil, criminal, or administrative proceeding, a court of record, after in camera review consistent with the applicable rules of procedure, shall require disclosure of material for which the privilege described in Section 3 of this act is asserted, if the court determines any of the following:

(1) The privilege is asserted for a fraudulent purpose.

(2) The material is not subject to the privilege.

(3) The material shows evidence of noncompliance with applicable laws and that reasonable efforts to achieve compliance with the laws were not initiated and pursued with reasonable diligence upon a discovery of noncompliance.

(d) The party asserting the EHS audit privilege has the burden of demonstrating the applicability of the privilege including, if there is evidence of noncompliance with applicable laws, proof that reasonable efforts to achieve compliance were initiated and pursued with reasonable diligence. A party seeking disclosure under subsection (c) (1) has the burden of proving that the privilege is asserted for a fraudulent purpose. In a criminal proceeding, the state has the burden of proving the conditions of disclosure set forth in subsection (c).

Section 5. (a) If the state has probable cause to believe a criminal offense has been committed, based upon information obtained from a source independent of an EHS audit report, it may obtain an EHS audit report for which a privilege is asserted under Section 3, pursuant to a search warrant, criminal subpoena, or discovery as allowed by applicable rules of criminal procedure. The state shall immediately place the report under seal and shall not review or disclose the contents of the report.

(b) Within 30 days of the state obtaining an EHS audit report, the owner or operator who prepared or caused to be prepared the report may file with the appropriate court a petition requesting an in camera review on whether the EHS audit report or portions thereof are privileged or subject to disclosure under this act. If the owner or operator fails to file the petition, the privilege is waived.

(c) The court shall issue an order scheduling an in camera review within 45 days of the filing of a petition to determine whether the EHS audit report or portions thereof are privileged or subject to disclosure under this act. The order shall allow the district attorney or the Attorney General to remove the seal from the report in order to review the EHS audit report. The order shall place appropriate

limitations on distribution and review of the report to protect against unnecessary disclosure. The district attorney or the Attorney General may consult with enforcement agencies regarding the contents of the EHS audit report as necessary to prepare for the in camera review. However, the information used in preparation for the in camera review shall not be used in any investigation or in any legal proceeding, and shall otherwise be kept confidential, unless and until the information is found by the court to be subject to disclosure.

(d) Failure to comply with the review, disclosure, or use provisions of this section shall be the basis for suppression of any evidence arising or derived from the unauthorized review, disclosure, or use of the EHS audit report. The party failing to comply with this section shall have the burden of proving that proffered evidence was not derived from the unauthorized activity.

(e) The parties may at any time stipulate to entry of an order directing that specific information contained in an EHS audit report is or is not subject to the privilege provided under Section 3 of this act.

(f) Upon making a disclosure determination under Section 4 of this act, the court may compel the disclosure only of those portions of an EHS audit report relevant to issues in dispute in the proceeding.

Section 6. The EHS audit privilege shall not extend to:

(1) Documents, communications, data, reports, or other information required by applicable law to be collected, developed, maintained, or reported, or otherwise made available to a regulatory agency; provided, however, this exclusion from the privilege shall apply only if each of the following conditions apply:

- a. The information is in the possession of the regulatory authority.
- b. Applicable law expressly requires its disclosure.

(2) Information obtained from observation, sampling, or monitoring by any regulatory authority.

(3) Information properly obtained from a source independent of the EHS audit.

Section 7. Nothing in this act shall limit, waive, or abrogate the scope or nature of any statutory or common law privilege, including the work-product doctrine and the attorney-client privilege.

Section 8. (a) If any person or entity makes a voluntary disclosure of a violation of applicable law, there shall be a rebuttable presumption that the person or entity is immune from any administrative, civil, or criminal penalties or fines for the violation disclosed. At the time of the disclosure, the person or entity making the disclosure shall provide information to the agency to which the disclosure is made, supporting the claim that the disclosure is voluntary.

(b) For the purposes of this section, a voluntary disclosure requires each of the following:

(1) A disclosure made promptly after knowledge of the information disclosed is obtained by the person or entity.

(2) A disclosure made to an agency having regulatory authority with regard to the violation disclosed.

(3) A disclosure arising out of a voluntary EHS audit.

(4) A disclosure in which the person or entity making the disclosure initiates action to resolve the violations identified in the disclosure within a reasonable time and in a diligent manner.

(5) A disclosure in which the person or entity making the disclosure reasonably cooperates with the appropriate agency in connection with investigation of the issues identified in the disclosure.

(c) A disclosure is not voluntary for purposes of this section if it is required by state law to be reported to a regulatory authority.

(d) The presumption established in Section 8 may be rebutted and penalties or fines may be imposed under state law if any of the following are established:

(1) That the disclosure was not voluntary within the meaning of this section.

(2) That the violation was committed intentionally and willfully by the person or entity making the disclosure.

(3) That clear, imminent and substantial endangerment to the environment or public health was caused by the violation.

(e) In any enforcement action brought against a person or entity regarding a violation for which the person or entity claims to have made a voluntary disclosure within the meaning of this section, the burden of proof concerning voluntariness of the disclosure shall be allocated as follows:

(1) The person or entity making the voluntary disclosure claim shall have the burden of establishing a prima facie case that the disclosure was voluntary within the meaning of Section 8(b) & (c).

(2) Once a prima facie case of voluntariness is established, the enforcement authority shall have the burden of rebutting the presumption under the provisions of Section 8(d) by a preponderance of the evidence.

Section 9. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE TO SUBSTITUTE ADOPTED

And the substitute offered by Representative Knight (A) was adopted.

Yeas 78; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Box, Boyd, Burke, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Dean, Dolbare, Dukes, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Haney, Hawkins, Hayden, Hill, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Letson, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Thomas (D), Townsend, Turner, Warren, White and Willis.

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And the bill:

H. 735. To encourage environmental, health, or safety (EHS) audits by creating a qualified EHS audit privilege; to provide for the use of the EHS audit privilege.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 80; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Letson, Maull, McAdory, McClammy, McMillan, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Rogers (J), Rogers (M), Seibenhener, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Vance, Venable, Warren, White and Willis.

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MESSAGE FROM THE GOVERNOR

To The House of Representatives of Alabama
Alabama State House
Montgomery, Alabama 36130

Ladies and Gentlemen: .

I transmit herewith to you a message from the Governor, returning House Bill No. 679, without the Governor's signature and with a suggested Executive Amendment.

Done this 10th day of July, 1995.

Respectfully submitted,

WILLIAM P. GRAY
Legal Advisor to the Governor

MESSAGE FROM THE GOVERNOR

To the House of Representatives of Alabama
Alabama State House
Montgomery, Alabama 36130

Ladies and Gentlemen:

I am returning to you, the body in which it originated, House Bill No. 679, without my signature but with the following suggested Executive Amendment:

EXECUTIVE AMENDMENT TO HOUSE BILL NO. 679:

Please amend House Bill No. 679, as enrolled, as follows:

On page 7, lines 20 through 22 strike the following language "~~participate in the State Employee Health Insurance Plan and the Teachers' Retirement System; the employer costs to be borne by the trust, and they shall~~".

The adoption of the above-suggested Executive Amendment will remove my objections to this bill.

Done on this the 10th day of July, 1995.

Respectfully,

FOB JAMES, JR.
Governor

GOVERNOR'S MESSAGE

On motion of Representative Knight (A), the House concurred in and adopted the amendment proposed by His Excellency, the Governor, to the bill, H. 679, said Governor's amendment being set out in the foregoing Message from the Governor.

Yeas 88; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Boyd, Burke, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

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SPECIAL ORDER CALENDAR RESUMED

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Dolbare, the Budget Isolation Resolution relating to the bill, H. 850, was adopted.

Yeas 83; Nays 4.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Box, Boyd, Burke, Buskey, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Letson, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Minnifield, Mitchell, Moore, Morrison, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Thomas (D), Thomas (J), Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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Nay:

Representatives Carns, Ford, Payne and Townsend.

- 4

And the bill:

H. 850. To amend Section 12-17-142 of the Code of Alabama 1975, relating to supernumerary clerks and registers and contributions to the Clerks' and Registers' Supernumerary Fund; to provide further for surviving spouse benefits.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 83; Nays 5.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morton, Murphree, Papucci, Parker (T), Penry, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sims, Smith, Spratt, Thomas (D), Thomas (J), Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-83

Nay:

Representatives Carns, Ford, Page, Payne and Townsend.

- 5

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 770. Relating to Escambia County; providing that the offices of judge of probate and tax collector shall not be assessed for monetary loss resulting from the performance of official duties for errors or mistakes made in good faith, up to an annual maximum of \$2,500 per office.

Also:

H. 772. Relating to the Twenty-first Judicial Circuit, comprised of Escambia County, Alabama; to authorize the district attorney to establish a court cost recovery division within the office of the district attorney; to provide for collection and enforcement of court orders in certain cases of nonpayment of assessments, costs, fees, fines, or forfeitures.

Also:

H. 805. Proposing an amendment to the Constitution of Alabama of 1901, ratifying and confirming the results of a referendum election held in 1994 in Washington County pursuant to Amendment No. 269 to this Constitution.

Also:

H. 827. Relating to Lamar County; creating the Lamar County Economic Development Authority to promote economic growth and development of Lamar County and the municipalities of Beaverton, Detroit, Kennedy, Millport, Sulligent, and Vernon, and other like governing bodies.

Also:

H. 612. Relating to Calhoun County; to authorize any city in the county and the county commission to declare noxious or dangerous weeds growing upon the streets, roads, or sidewalks, or upon private property within the city or county, or any accumulation of trash, rubbish, junk or debris, or any unsightly or dangerous walls, or any abandoned or unsafe construction of any kind or nature, or motor vehicles or machinery not in operating condition, or any debris of a burned building, or any abandoned or unused swimming pool, or any abandoned wells or cisterns, to be a public nuisance and creating a lien upon the property fronting upon the streets, roads, or sidewalks or upon which the nuisance exists for the cost of abatement.

McDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 711. Relating to Walker County; to amend Sections 1 and 2 of Act No. 89-763, H. 892 of the 1989 Regular Session (Acts 1989, p. 1543), to further provide for the expenditures of the Juvenile Court Advisory Committee.

Also:

H. 716. Amending Section 1 of Act No. 88-472, Regular Session, 1988 (Acts 1988, p. 722), relating to the Lee County Judicial Administration Fund; to provide that judicial personnel of Lee County may be reimbursed for actual and necessary travel expenses within or without the State of Alabama related to training and education enhancement.

Also:

H. 727. Relating to Lauderdale County and its municipalities; to amend and reenact Act No. 86-244, H. 671 of the 1986 Regular Session (Acts 1986, p. 372), forming a Shoals Industrial Development authority for promoting industry and trade and the development of the counties and cities; for the purpose of forming a Shoals Economic Development Authority for promoting the economic development of the counties and cities.

Also:

H. 739. Relating to Crenshaw County; abolishing the office of constable.

Also:

H. 768. Relating to Lawrence County; to provide for the service by the sheriff of subpoenas in the courts of the county.

McDOWELL LEE
Secretary

SPECIAL ORDER CALENDAR RESUMED

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative McKee, the Budget Isolation Resolution relating to the bill, H. 399, was adopted.

Yeas 85; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Jorgensen, Knight (A), Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Minnifield, Mitchell, Moore, Morrow, Morton, Murphree, Newton (C), Page, Papucci,

Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Rogers (J), Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-85

And the bill:

H. 399. To provide distinctive motor vehicle license tags or plates for supporters of the Alabama Shakespeare Festival; to provide for the fees for these tags or plates and for the disposition of the net proceeds from the fees; and to provide for a delayed effective date.

was taken up.

AMENDMENT OFFERED

Representative McKee offered the following amendment to the bill, H. 399:

Page 3, line 6, delete the language beginning with the word "Department" through the word "Revenue"

Insert the following language before the word "who" on page 3, line 6: State Comptroller's Office

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 82; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Jorgensen, Knight (A), Knight (J), Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Minnifield, Moore, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Venable, White, Willis and Wren.

-82

And the bill:

H. 399. To provide distinctive motor vehicle license tags or plates for supporters of the Alabama Shakespeare Festival; to provide for the fees for these tags or plates and for the disposition of the net proceeds from the fees; and to provide for a delayed effective date.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 87; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Jorgensen, Kennedy, Knight (A), Knight (J), Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Minnifield, Mitchell, Moore, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-87

H. 855 TAKEN UP

And the bill:

H. 855. (With Amendment): To prohibit the sale of cigarettes at below cost with intent to injure competitors or destroy or substantially lessen competition among cigarette sellers; to provide penalties for violations; to repeal Section 40-25-5, Code of Alabama 1975; to distribute the revenue generated by the repeal of the discount; and to provide for enforcement by the Commissioner of the Alabama Department of Revenue.

as amended, which was temporarily carried over on the twenty-third legislative day was taken up.

MOTION IN WRITING OFFERED

Representative Fuller offered the following Motion in Writing relating to the bill, H. 855, as amended:

I move the previous question.

MOTION IN WRITING ADOPTED

And the Motion in Writing was adopted.

Yeas 54; Nays 24.

Yea:

Mr. Speaker, Allen, Baker, Burke, Carothers, Clouse, Collins, Dean, Dukes, Flowers, Ford, Fuller, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hawk, Hayden, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Laird, Layson, Letson, Lindsey, Maull, McAdory, Millican, Morrison, Morrow, Murphree, Parker (P), Parker (T), Penry, Reed, Robinson, Rogers (J), Seibenhener, Smith, Spratt, Thomas (J), Turnham, Vance and Willis.

-54

Nay:

Representatives Box, Buskey, Carns, Clark (W), Crigler, Dolbare, Gaines, Haney, McDaniel, McKee, McMillan, Mitchell, Newton (C), Page, Papucci, Payne, Petelos, Rogers (M), Sanderford, Sims, Thomas (D), Townsend, Warren and Wren.

-24

And the bill:

H. 855. To prohibit the sale of cigarettes at below cost with intent to injure competitors or destroy or substantially lessen competition among cigarette sellers; to provide penalties for violations; to repeal Section 40-25-5, Code of Alabama 1975; to distribute the revenue generated by the repeal of the discount; and to provide for enforcement by the Commissioner of the Alabama Department of Revenue.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 58; Nays 29.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Boyd, Burke, Carothers, Clark (W), Clouse, Collins, Dean, Dukes, Flowers, Ford, Fuller, Galliher, Gaston, Gipson, Graham, Guin, Hamilton, Hammett, Hawk, Hayden, Hilliard, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (J), Laird, Layson, Letson, Lindsey, Maull, McClammy, Melton, Millican, Minnifield, Morrow, Newton (C), Parker (P), Parker (T), Penry, Robinson, Rogers (J), Smith, Spratt, Thomas (J), Turner, Turnham, Vance, Venable and Warren.

-58

Nay:

Representatives Black (M), Box, Buskey, Carns, Crigler, Dolbare, Gaines, Hall (A), Haney, Hawkins, Hill, Knight (A), McDaniel, McKee, McMillan, Mitchell, Morrison, Morton, Murphree, Page, Papucci, Payne, Petelos, Pringle, Rogers (M), Sanderford, Thomas (D), Townsend and Wren.

-29

PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative Reed intended to vote "Yea" and Representative Hinshaw intended to vote "Nay" on passage of the bill, H. 855, as amended.

MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Dukes, the rules were suspended in order to permit the Standing Committee on Local Government to meet while the House is in Session.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has non-concurred in the House amendment to the Bill:

S. 29. Relating to motor vehicles; to amend Sections 40-12-290, 40-12-291 and 40-12-296 of the Code of Alabama 1975; to provide for the issuance of a one-year antique license plate or tag only for those vehicles operated as a collector's item; to define an antique vehicle; to increase the fee; to prescribe penalties for violating this act; to delete the provision that the plate or tag is valid without renewal; to provide for the distribution of proceeds from the registration of antique vehicles and from the registration of other vehicles that are more than 25 years old; and to specify further the design of the plate or tag.

and requests a Committee on Conference.

And the President Pro Tempore and Presiding Officer of the Senate has appointed as Committee on part of the Senate, Senators: Ghee, Figures, and Freeman.

McDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Willis, the House acceded to the request of the Senate for a Committee on Conference on the disagreement of the two Houses on the House amendment to the bill, S. 29.

Yeas 70; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Crigler, Curry, Dean, Dolbare, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (L), Hammett, Haney, Hawk, Hawkins, Hill, Hinshaw, Hogan, Hooper, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Lindsey, McAdory, McClammy, McDaniel, McMillan, Melton, Minnifield, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, Warren and Willis.

-70

COMMITTEE ON CONFERENCE APPOINTED

The Speaker appointed as a Committee on Conference on the part of the House, Representatives Willis, McDaniel and Starkey on the disagreement of the two Houses on the House amendment to the bill, S. 29.

SPECIAL ORDER CALENDER RESUMED

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Hooper, the Budget Isolation Resolution relating to the bill, H. 371, was adopted.

Yeas 61; Nays 12.

Yea:

Mr. Speaker, Allen, Black (M), Box, Burke, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Gaines, Guin, Hall (A), Hamilton, Hammett, Haney, Hawkins, Hogan, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Laird, Layson, Letson, Lindsey, Maull, McAdory, McDaniel, McMillan, Millican, Moore, Morrison, Morrow, Morton, Newton (C), Papucci, Parker (T), Payne, Penry, Petelos, Pringle, Seibenhener, Sims, Smith, Spratt, Thomas (D), Townsend, Turner, Vance, Venable, Warren, White and Willis.

-61

Nay:

Representatives Boyd, Buskey, Hall (L), Hawk, Hayden, Hilliard, Jackson, Kennedy, Melton, Mitchell, Parker (P) and Robinson.

-12

And the bill:

H. 371. (With Substitute): To propose an amendment to Article VI of the Constitution of Alabama of 1901, as amended, relating to the Judicial Department; to provide further for the composition of the Court of the Judiciary; to provide additional procedures for appealing a decision of the Court of the Judiciary; and to provide that the impeachment provisions in Article VI apply to appellate, circuit, and district judges.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on State Administration, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To propose an amendment to Article VI of the Constitution of Alabama of 1901, as amended, relating to the Judicial Department; to provide that the impeachment provisions in Article VII apply to appellate, circuit, and district judges.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The following amendment to the Constitution of Alabama of 1901, as amended, is proposed and shall become valid as a part thereof when approved by a majority of the qualified electors voting thereon and in accordance with Sections 284, 285, and 287 of the Constitution of Alabama of 1901, as amended:

PROPOSED AMENDMENT

"6.18A

"In addition to the authority conferred on the Court of the Judiciary in Section 6.18, the provisions for impeachment in Article VII shall also apply to justices of the Supreme Court, judges of the Court of Civil Appeals and the Court of Criminal Appeals, circuit court judges, and district court judges."

Section 2. An election upon the proposed amendment shall be held in accordance with Sections 284 and 285 of the Constitution of Alabama of 1901, as amended, and the general election laws of this state.

Section 3. The appropriate election official shall assign a ballot number for the proposed constitutional amendment on the election ballot and shall set forth the following description of the substance or subject matter of the proposed constitutional amendment:

"Proposing an amendment of the Constitution of Alabama of 1901, to provide that the impeachment provisions in Article VII apply to appellate, circuit, and district judges.

Proposed by Act _____ "

This description shall be followed by the following language:

"Yes () No ()."

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 69; Nays 6.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Box, Boyd, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Gaines, Gaston, Guin, Hall (A), Hamilton, Hammett, Haney, Hawkins, Hayden, Hinshaw, Hogan, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Laird, Layson, Letson, Lindsey, Maull, McAdory, McDaniel, McKee, McMillan, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Papucci, Parker (T), Payne, Penry, Petelos, Pringle, Sanderford, Seibenhener, Sims, Smith, Spratt, Townsend, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-69

Nay:

Representatives Hall (L), Hawk, Hilliard, Jackson, Melton and Robinson.

- 6

AMENDMENT OFFERED

Representative Hooper offered the following amendment to the bill, H. 371, as amended:

Amend the Substitute for H. 371 as follows:

On page 2, line 1, after the language "Article VII" insert the following language: , Section 173,

On page 2, line 14, after the language "Article VII" insert the following language: , Section 173,

On page 2, line 17, after the word "judges" insert the following underlined language: except that any justice or judge who has been tried before the Court of the Judiciary shall not be subject to impeachment on the same charge or subject matter

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 64; Nays 6.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Burke, Carns, Carothers, Clouse, Collins, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Gaines, Gaston, Gipson, Guin, Hall (A), Hamilton, Hammett, Haney, Hawkins, Hill, Hinshaw, Hogan, Hooper, Johnson (E), Johnson (R), Jorgensen, Knight (A), Laird, Layson, Lindsey, Maull, McAdory, McKee, McMillan, Millican, Moore, Morrow, Morton, Page, Papucci, Parker (P), Payne, Penry, Petelos, Pringle, Rogers (M), Sanderford, Seibenhener, Sims, Smith, Thomas (D), Townsend, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-64

Nay:

Representatives Clark (W), Hawk, Houston, Kennedy, Mitchell and Spratt.

- 6

And the bill:

H. 371. To propose an amendment to Article VI of the Constitution of Alabama of 1901, as amended, relating to the Judicial Department; to provide that the impeachment provisions in Article VII, Section 173 apply to appellate, circuit, and district judges.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 67; Nays 18.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Box, Burke, Carns, Carothers, Clark (W), Clouse, Collins, Curry, Dean, Dolbare, Flowers, Ford, Gaines, Gaston, Gipson, Guin, Hall (A), Hamilton, Hammett, Haney, Hawkins, Hill, Hinshaw, Hogan, Hooper, Johnson (E), Johnson (R), Jorgensen, Knight (A), Laird, Layson, Letson, Lindsey, Maull, McDaniel, McKee, McMillan, Millican, Moore, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (T), Payne, Penry, Petelos, Pringle, Rogers (M), Sanderford, Seibenhener, Sims, Smith, Thomas (D), Townsend, Turnham, Vance, Venable, Warren, Willis and Wren.

-67

Nay:

Representatives Bandy, Black (L), Boyd, Buskey, Crigler, Galliher, Hall (L), Hawk, Hayden, Hilliard, Houston, Jackson, Kennedy, Knight (J), McClammy, Melton, Robinson and Spratt.

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**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 58. To provide distinctive motor vehicle license tags or plates for members of the Masons; providing for the fees for these tags or plates and for the disposition of the net proceeds from the fees; and providing for a delayed effective date.

TOMMY CARTER
Chairman

And the bill, H. 58, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 399. To provide distinctive motor vehicle license tags or plates for supporters of the Alabama Shakespeare Festival; to provide for the fees for these tags or plates and for the disposition of the net proceeds from the fees; and to provide for a delayed effective date.

TOMMY CARTER
Chairman

And the bill, H. 399, as engrossed, was ordered sent to the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senators Dial and Barron:

S. 309. To create a new circuit judgeship in the Fourth and Ninth Judicial Circuits.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 309. Judiciary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Langford (With Notice and Proof):

S. 619. Relating to Montgomery County; to amend Section 11 of Act No. 591, H. 972 of the 1965 Regular Session (Acts 1965, p. 1104), providing for the installation and maintenance of an improved system of indexing and recording documents affecting the title to real property and other documents in the office of the judge of probate in the county, and to further provide for the recording fee.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, S. 619, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 619. Local Legislation No. 5.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Roberts:

S. 462. To further provide for preference given to Alabama persons, firms, or corporations in the awarding of public contracts subject to the State Competitive Bid Law and to amend Section 41-16-27, Code of Alabama 1975.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 462. State Administration.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said

committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 855. To prohibit the sale of cigarettes at below cost with intent to injure competitors or destroy or substantially lessen competition among cigarette sellers; to provide penalties for violations; to repeal Section 40-25-5, Code of Alabama 1975; to distribute the revenue generated by the repeal of the discount; and to provide for enforcement by the Commissioner of the Alabama Department of Revenue.

TOMMY CARTER
Chairman

And the bill, H. 855, as engrossed, was ordered sent to the Senate.

MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Turner, the rules were suspended in order to take up out of order the Budget Isolation Resolution and the bill, H. 655.

Yeas 62; Nays 15.

Yea:

Mr. Speaker, Allen, Black (M), Box, Burke, Carns, Carothers, Clouse, Collins, Crigler, Dean, Dolbare, Dukes, Flowers, Ford, Gaines, Gaston, Gipson, Hall (A), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hinshaw, Hogan, Hooper, Johnson (R), Knight (A), Laird, Layson, Letson, Lindsey, McDaniel, McKee, McMillan, Millican, Moore, Morrow, Murphree, Newton (C), Papucci, Parker (T), Payne, Penry, Pringle, Rogers (M), Sanderford, Seibenhener, Sims, Smith, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-62

Nay:

Representatives Buskey, Galliher, Guin, Hall (L), Hawk, Hilliard, Houston, Jackson, Kennedy, McClammy, Melton, Mitchell, Page, Parker (P) and Spratt.

-15

BUDGET ISOLATION RESOLUTION OFFERED

Representative Hooper offered the motion to adopt the Budget Isolation Resolution relating to the bill, H. 655.

BUDGET ISOLATION RESOLUTION TEMPORARILY CARRIED OVER

In accordance with House Rule 21, the bill, H. 655, and the pending Budget Isolation Resolution were temporarily carried over at the request of Representative Hooper.

SPECIAL ORDER CALENDAR RESUMED

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Hooper, the Budget Isolation Resolution relating to the bill, H. 854, was adopted.

Yeas 65; Nays 19.

Yea:

Mr. Speaker, Allen, Black (M), Box, Burke, Carns, Carothers, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawk, Hawkins, Hill, Hinshaw, Hogan, Hooper, Johnson (R), Jorgensen, Knight (A), Laird, Layson, Lindsey, Maull, McDaniel, McKee, McMillan, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (T), Payne, Penry, Petelos, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Willis and Wren.

-65

Nay:

Representatives Bandy, Black (L), Boyd, Buskey, Clark (W), Galliher, Hall (L), Hayden, Hilliard, Houston, Jackson, Kennedy, Melton, Minnifield, Mitchell, Reed, Robinson, Rogers (J) and Spratt.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H.J.R. 337. RELATIVE TO MEETING DAYS.

McDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Venable, the House concurred in and adopted the Senate amendment to the resolution, H.J.R. 337, said Senate amendment being as follows:

On page 1, on line 9 following the words "July 13, 1995, they adjourn to meet again on" delete all the following language on line 9 & insert in lieu thereof:

Monday, July 24, 1995, and when they adjourn on Monday, July 24, 1995, they adjourn to meet again on Tuesday, July 25, 1995, and when they adjourn on Tuesday, July 25, 1995, they adjourn to meet on Wednesday, July 26, 1995, and when they adjourn on Wednesday, July 26, 1995, they adjourn to meet again on Monday, July 31, 1995.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 2. To alter or rearrange the boundary lines of the Town of Toxey, Choctaw County, Alabama, so as to include within the corporate limits of said Town all territory now within such corporate limits and also certain other territory contiguous thereto, in Choctaw County, Alabama.

Also:

H. 19. Relating to Clarke County; providing for the pistol permit fee of the sheriff; providing for the distribution of the funds; providing for the establishment of a fund known as "The Sheriff's Fund"; providing for an audit of the funds; and providing for the repeal of Act No. 294. H. 1052, 1977 Regular Session (Acts 1977, p. 396).

Also:

H. 35. Relating to Elmore County; amending Section 1 of Act No. 91-539, H. 1094, 1991 Regular Session, relating to the compensation of the coroner of Elmore County, to further provide for the compensation of the coroner and assistant coroners of Elmore County; and specifically repealing Act No. 83-691, H. 677 of the 1983 Regular Session, relating to the coroner's compensation.

Also:

H. 61. Relating to Henry County; amending Act No. 93-386, H. 828, 1993

Regular Session, which provided for additional court costs, to provide further for those costs.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the foregoing Report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 613. Relating to Elmore County; amending Act No. 481, H. 1136, 1977 Regular Session, as amended, to provide further for the compensation of the county superintendent of education.

Also:

H. 699. Relating to Tuscaloosa County; to provide that the bailiffs for the Sixth Judicial Circuit of Alabama shall be authorized and allowed to participate in law enforcement minimum standard training; and to authorize leaves of absence for the bailiffs for the purposes provided for in this act.

Also:

H. 708. Relating to Walker County; to provide for the levy, collection, and distribution of an additional tax on tobacco and tobacco products; and to provide for an advisory referendum.

Also:

H. 709. Relating to Walker County; authorizing the sheriff to operate a jail store for prisoners in county custody; providing for the deposit, distribution, and auditing of monies earned; and confirming and ratifying certain prior actions.

Also:

H. 710. Relating to Walker County; creating the Walker County Sheriff Service of Process Serving Fund; to further provide for service of process in Walker County; to provide that the Sheriff of Walker County may contract with or enter into contract or agreement with a private, public, or governmental entity for the purpose of service of process; to increase the fee for civil or criminal documents, with certain exceptions; and to provide for the disposition of funds.

Also:

H. 564. Relating to Pike County; fixing the fee for an issuance of a pistol permit by the sheriff and providing for the disposition and use of the proceeds; and repealing Act No. 80-112, H. 567 of the 1980 Regular Session (Acts 1980, p. 164).

Also:

H. 573. Relating to the Twelfth Judicial Circuit of Alabama; authorizing the district attorney to establish a restitution recovery division within the Office of the District Attorney; to provide for collection and the enforcement of court orders in certain cases of nonpayment of restitution to victims of crime, court costs, fines, penalty payments, victim compensation assessments, and bond forfeitures; to provide a collection fee; to provide funding for the new restitution recovery division; and to provide for a Circuit Clerk's Fund to assist the clerk in the implementation of this act.

Also:

H. 596. Relating to Shelby County; to provide that the county commission may install self-service computer terminals to provide information and process motor vehicle tag renewals and other similar services in the county; and to authorize the county commission to collect additional fees from users of self-service computer terminals.

Also:

H. 674. Relating to Lauderdale County; to amend Section 3 of Act No. 586, H. 717 of the 1965 Regular Session (Acts 1965, p. 1095) creating a civil service board of appeals, to provide for membership of the civil service board of appeals; and to specifically repeal Act No. 1695, H. 2263 of the 1971 Regular Session (Acts 1971, p. 2852), creating a civil service board in counties having a population of not less than 65,500 nor more than 75,200 according to the most recent or any subsequent federal decennial census.

Also:

H. 711. Relating to Walker County; to amend Sections 1 and 2 of Act No.

89-763, H. 892 of the 1989 Regular Session (Acts 1989, p. 1543), to further provide for the expenditures of the Juvenile Court Advisory Committee.

Also:

H. 716. Amending Section 1 of Act No. 88-472, Regular Session, 1988 (Acts 1988, p. 722), relating to the Lee County Judicial Administration Fund; to provide that judicial personnel of Lee County may be reimbursed for actual and necessary travel expenses within or without the State of Alabama related to training and education enhancement.

Also:

H. 727. Relating to Lauderdale County and its municipalities; to amend and reenact Act No. 86-244, H. 671 of the 1986 Regular Session (Acts 1986, p. 372), forming a Shoals Industrial Development authority for promoting industry and trade and the development of the counties and cities; for the purpose of forming a Shoals Economic Development Authority for promoting the economic development of the counties and cities.

Also:

H. 739. Relating to Crenshaw County; abolishing the office of constable.

Also:

H. 768. Relating to Lawrence County; to provide for the service by the sheriff of subpoenas in the courts of the county.

Also:

H. 770. Relating to Escambia County; providing that the offices of judge of probate and tax collector shall not be assessed for monetary loss resulting from the performance of official duties for errors or mistakes made in good faith, up to an annual maximum of \$2,500 per office.

Also:

H. 772. Relating to the Twenty-first Judicial Circuit, comprised of Escambia County, Alabama; to authorize the district attorney to establish a court cost recovery division within the office of the district attorney; to provide for collection and enforcement of court orders in certain cases of nonpayment of assessments, costs, fees, fines, or forfeitures.

Also:

H. 827. Relating to Lamar County; creating the Lamar County Economic Development Authority to promote economic growth and development of Lamar

County and the municipalities of Beaverton, Detroit, Kennedy, Millport, Sulligent, and Vernon, and other like governing bodies.

Also:

H. 612. Relating to Calhoun County; to authorize any city in the county and the county commission to declare noxious or dangerous weeds growing upon the streets, roads, or sidewalks, or upon private property within the city or county, or any accumulation of trash, rubbish, junk or debris, or any unsightly or dangerous walls, or any abandoned or unsafe construction of any kind or nature, or motor vehicles or machinery not in operating condition, or any debris of a burned building, or any abandoned or unused swimming pool, or any abandoned wells or cisterns, to be a public nuisance and creating a lien upon the property fronting upon the streets, roads, or sidewalks or upon which the nuisance exists for the cost of abatement.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the foregoing Report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 109. To propose an amendment to the Constitution of Alabama of 1901, for Shelby County, providing further for license taxes on certain real estate operations and transactions.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Report of the Standing Committee on Rules.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 638. Proposing an amendment to the Constitution of Alabama of 1901, to provide that certain elected public officials in Washington County may participate in the Employees' Retirement System in lieu of participating in a supernumerary program or system.

Also:

H. 805. Proposing an amendment to the Constitution of Alabama of 1901, ratifying and confirming the results of a referendum election held in 1994 in Washington County pursuant to Amendment No. 269 to this Constitution.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the foregoing Report of the Standing Committee on Rules.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 735. To encourage environmental, health, or safety (EHS) audits by creating a qualified EHS audit privilege; to provide for the use of the EHS audit privilege.

TOMMY CARTER
Chairman

And the bill, H. 735, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 371. To propose an amendment to Article VI of the Constitution of Alabama of 1901, as amended, relating to the Judicial Department; to provide that the impeachment provisions in Article VII, Section 173 apply to appellate, circuit, and district judges.

TOMMY CARTER
Chairman

And the bill, H. 371, as engrossed, was ordered sent to the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senators Butler, Freeman, Hale, Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Clay, Davidson, Denton, Dial, Dixon, Escott-Russell, Figures, Ghee, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom:

S.J.R. 133. URGING THE ALABAMA U. S. CONGRESSIONAL DELEGATION TO VIGOROUSLY FIGHT TO RESTORE FUNDING TO MARSHALL SPACE FLIGHT CENTER IN HUNTSVILLE, ALABAMA.

WHEREAS, the Legislature of Alabama notes with paramount concern the

actions of the Subcommittee on Veterans Affairs, Housing and Urban Development, and Independent Agencies of the Appropriations Committee of the United States House of Representatives on July 10, 1995, which adopted a budget that included recommendations that the Marshall Space Flight Center in Huntsville, Alabama, be closed; and

WHEREAS, the closing of this facility which provides a fundamental and integral part of our national space program, the method of space shuttle propulsion, would create a major threat to national defense and would impose a crippling blow to the scientific endeavors of the United States; and

WHEREAS, this legislative body further notes the devastating economic impact the closing of Marshall Space Flight Center would have on the City of Huntsville and North Alabama, the State of Alabama, and indeed the entire Southeast; and

WHEREAS, the Legislature is acutely cognizant of the financial effect of the closing of the center, whose annual budget exceeds two billion dollars and whose operations provide employment for tens of thousands of NASA personnel and employees of space-industry-related contractors and vendors; assuming a conservative economic multiplier of seven, the closing of this vital complex would inflict an economic loss in excess of 15.4 billion dollars to our state; and

WHEREAS, this illogical and ill-conceived plan would result in the loss of sales tax, personal and corporate income tax, and ad valorem tax proceeds, would jeopardize efforts of the state and local governing bodies respecting all ranges of services and responsibilities including, but not limited to, education reform, health care, law enforcement, and industrial development; and

WHEREAS, the Legislature of Alabama, in unity and with utmost regard, adamantly objects to the closing of the Marshall Space Flight Center in Huntsville and tenders its unconditional support to our U. S. Congressional Delegation in efforts to continue and maintain appropriate funding to this efficient and essential federal installation, now therefore;

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Alabama U. S. Congressional Delegation is respectfully and resoundingly implored to vigorously and with all available means work for the complete restoration of funding to the Marshall Space Flight Center in Huntsville, Alabama, and to vigilantly maintain future funding for this indispensable federal facility.

BE IT FURTHER RESOLVED, That a copy of this resolution be delivered immediately to each member of the Alabama U. S. Congressional Delegation, the Chair of the above referenced subcommittee, the Chair of the Appropriation Committee of the U. S. House of Representatives, and the Speaker of the U. S. House of Representatives so that each is apprised of the significance of this

matter and the supreme necessity to continue the critical mission of the Marshall Space Flight Center.

McDOWELL LEE
Secretary

SENATE MESSAGE

The resolution, S.J.R. 133, set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senators Amari, Bedford, and Ghee:

S.J.R. 132. DESIGNATING S. 74 THE DEBORAH K. MILLER ACT.

McDOWELL LEE
Secretary

SENATE MESSAGE

The resolution, S.J.R. 132, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Freeman:

S.J.R. 131. CREATING A JOINT INTERIM LEGISLATIVE COMMITTEE ON ILLEGAL ELECTRONIC GAMING DEVICES.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES

THEREOF CONCURRING, That there is hereby created a joint interim legislative committee to study the proliferation of electronic gaming devices and other aspects of illegal gambling. The committee shall be composed of three members of each house, to be appointed by the presiding officer of each house. The chair and vice chair of the committee shall be elected at the first meeting by the members of the committee, which shall be held within 60 days after the conclusion of the 1995 Regular Session. Thereafter, the committee shall meet on the call of the chair.

Upon the request of the chair, the Secretary of the Senate and the Clerk of the House shall provide the clerical assistance necessary for the committee's work. The Department of Public Safety and the Enforcement Division of the Alcoholic Beverage Control Board shall assign a full-time investigator to work at the direction of the committee. The compensation of the investigators shall be paid by funds of the respective agency. The committee shall report its findings, conclusions, and recommendations to the Legislature not later than the 10th legislative day of the 1996 Regular Session, whereupon, the committee shall stand dissolved and discharged of any further duties and liabilities. Each member of the committee shall be entitled to his or her regular legislative compensation, per diem, and travel expenses for each day he or she attends a meeting of the committee, and shall be paid out of any funds appropriated to the use of the Legislature, upon warrants drawn on the State Comptroller upon requisitions signed by the chair of the committee. Notwithstanding the foregoing, no member shall receive additional legislative compensation or per diem when the Legislature is in session or if a member is being paid any other payments on the same dates for attendance of other state business. The total expenditures of the committee shall not exceed \$7,000.

The committee shall have subpoena power.

McDOWELL LEE
Secretary

SENATE MESSAGE

The resolution, S.J.R. 131, set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Senator Myers:

S.J.R. 126. COMMENDING DAVID D. ROBERTS, JR., OF MOBILE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT AND SERVICE TO THE MOBILE COMMUNITY.

Also:

By Senators Waggoner, Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Davidson, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, and Windom:

S.J.R. 127. CONGRATULATING MR. THOMAS J. LINDLEY, III, ON BEING NAMED EDITOR OF HIS HOMETOWN NEWSPAPER, THE JEFFERSONVILLE EVENING NEWS.

Also:

By Senator Waggoner:

S.J.R. 128. COMMENDING BILL INGRAM ON HIS RETIREMENT FROM THE BIRMINGHAM POST-HERALD.

Also:

By Senator Langford:

S.J.R. 129. CONGRATULATING MAHALA ASHLEY DICKERSON AS RECIPIENT OF THE MARGARET BRENT WOMEN LAWYERS OF ACHIEVEMENT AWARD.

Also:

By Senator Figures:

S.J.R. 130. HONORING MR. CHARLES PHARR FOR OUTSTANDING ACCOMPLISHMENTS.

McDOWELL LEE
Secretary

SENATE MESSAGE

The resolution, S.J.R. 126, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

Also:

The resolution, S.J.R. 127, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

Also:

The resolution, S.J.R. 128, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

Also:

The resolution, S.J.R. 129, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

Also:

The resolution, S.J.R. 130, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Senator Little:

S.J.R. 121. COMMENDING MR. SHELTON HAWSEY FOR OUTSTANDING EFFORTS IN THE 4-H FORESTRY JUDGING CONTEST.

Also:

By Senator Little:

S.J.R. 122. COMMENDING MR. TONY DOZIER FOR OUTSTANDING EFFORTS IN THE 4-H FORESTRY JUDGING CONTEST.

Also:

By Senator Davidson:

S.J.R. 123. COMMENDING THE BIRMINGHAM SOUTHERN COLLEGE BASKETBALL TEAM FOR OUTSTANDING ACCOMPLISHMENT.

Also:

By Senators Davidson, Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom:

S.J.R. 124. HONORING LEIGH SHERER, MISS ALABAMA 1995.

Also:

By Senators Dial, Little, and Clay:

S.J.R. 125. COMMENDING BOBBY D. JONES ON HIS RETIREMENT FROM TALLAPOOSA RIVER ELECTRIC COOPERATIVE.

McDOWELL LEE
Secretary

SENATE MESSAGE

The resolution, S.J.R. 121, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

Also:

The resolution, S.J.R. 122, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

Also:

The resolution, S.J.R. 123, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

Also:

The resolution, S.J.R. 124, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

Also:

The resolution, S.J.R. 125, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Senators Figures, Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Davidson, Denton, Dial, Dixon, Escott-Russell, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom:

S.J.R. 134. HONORING MS. OLA MAE SANDERS OF BAY MINETTE, ALABAMA, ON THE OCCASION OF HER 74TH BIRTHDAY, JULY 28, 1995.

Also:

By Senator Lindsey:

S.J.R. 135. DESIGNATING PORTIONS OF NORTH ALABAMA AS "THE TRAIL OF TEARS CORRIDOR OF NORTH ALABAMA" IN AN EFFORT TO COMMEMORATE THE MANY NATIVE AMERICANS WHO DIED AND/OR WERE REMOVED TO INDIAN TERRITORY DURING THE HISTORIC PERIOD KNOWN IN THE SOUTHEAST AS "THE INDIAN REMOVAL."

McDOWELL LEE
Secretary

SENATE MESSAGE

The resolution, S.J.R. 134, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

Also:

The resolution, S.J.R. 135, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

RESOLUTIONS

The following resolutions were introduced:

By Representative Rogers (J):

H.J.R. 345. NOTING WITH COMMENDATION THE WYATT/WOODS SECOND FAMILY REUNION.

The resolution, H.J.R. 345, was read and referred to the Standing Committee on Rules.

Also:

By Representative Rogers (J):

H.J.R. 346. HONORING MRS. IOLA YOUNG GOODSON OF HUNTSVILLE, ALABAMA.

The resolution, H.J.R. 346, was read and referred to the Standing Committee on Rules.

Also:

By Representative Hawkins:

H.J.R. 347. HONORING MATTHEW TAYLOR DRISKILL OF VESTAVIA HILLS, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

The resolution, H.J.R. 347, was read and referred to the Standing Committee on Rules.

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

By Representative Baker:

H.R. 348. COMMENDING THE HENRY COUNTY TRAINING SCHOOL FOR OUTSTANDING ACHIEVEMENT AND SERVICE.

Also:

By Representative Hawkins:

H.R. 349. HONORING MATTHEW TAYLOR DRISKILL OF VESTAVIA HILLS, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

Also:

By Representatives Hawk and Sims:

H.R. 350. COMMENDING VIETNAM VETERAN BOBBY DON REYNOLDS OF GUNTERSVILLE, ALABAMA.

Also:

By Representative Morrison:

H.R. 351. DESIGNATING DR. ANNA M. VACCA DAY ON JULY 14, 1995.

Also:

By Representative Morrison:

H.R. 352. COMMENDING DR. THOMAS E. UMPHREY, PRESIDENT OF SHELTON STATE COMMUNITY COLLEGE.

Also:

The following resolution was introduced:

By Representatives Hooper and McKee:

H.J.R. 353. URGING THE ALABAMA CONGRESSIONAL DELEGATION TO REPEAL GOALS 2,000 AS A PART OF EDUCATE AMERICA ACT.

The resolution, H.J.R. 353, was read and referred to the Standing Committee on Rules.

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

By Representative Hammett:

H.R. 354. RECOGNIZING JANICE CASTLEBERRY OF RED LEVEL, ALABAMA, ON HER RETIREMENT.

Also:

By Representative Parker (T):

H.R. 355. COMMENDING DORMAN DEWITT ADAMS OF TUSCALOOSA, ALABAMA, ON HIS OUTSTANDING LAW ENFORCEMENT CAREER.

Also:

The following resolutions were introduced:

By Representatives Drake and Morrison:

H.J.R. 356. MOURNING THE DEATH OF CLYDE WILSON WHITE OF LOGAN, ALABAMA, JUNE 23, 1995.

The resolution, H.J.R. 356, was read and referred to the Standing Committee on Rules.

Also:

By Representative Robinson:

H.R. 357. URGING THE ALABAMA STATE HEALTH DEPARTMENT AND THE ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT TO INVESTIGATE SLUDGE DUMPING IN THE FABIUS COMMUNITY.

The resolution, H.R. 357, was read and referred to the Standing Committee on Rules.

Also:

By Representative Parker (T):

H.J.R. 358. COMMENDING DORMAN DEWITT ADAMS OF TUSCALOOSA, ALABAMA, ON HIS OUTSTANDING LAW ENFORCEMENT CAREER.

The resolution, H.J.R. 358, was read and referred to the Standing Committee on Rules.

Also:

By Representative Flowers:

H.J.R. 359. COMMENDING DR. JOHN M. LONG FOR HIS ACTIVE YEARS AS A BANDMASTER.

The resolution, H.J.R. 359, was read and referred to the Standing Committee on Rules.

Also:

By Representatives Penry and McMillan:

H.J.R. 360. COMMENDING THE ALABAMA FORESTRY ASSOCIATION FOR OUTSTANDING ACHIEVEMENT IN THEIR 1995 LOG A LOAD FOR KIDS CAMPAIGN.

The resolution, H.J.R. 360, was read and referred to the Standing Committee on Rules.

CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the House Bills and House Joint Resolutions mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Secretary of State at 2:15 P.M. on July 11, 1995.

H. 603 (Constitution Amendment)

H. 707 (Constitution Amendment)

Delivered to the Governor at 2:25 P.M. on July 11, 1995.

H. 339

H. 415

H. 417

Delivered to the Governor at 4:00 P.M. on July 11, 1995.

H.J.R. 331

H.J.R. 333

H.J.R. 334

H.J.R. 335

H.J.R. 336

Delivered to the Governor at 6:00 P.M. on July 11, 1995.

H. 2	H. 596
H. 19	H. 674
H. 35	H. 711
H. 61	H. 716
H. 613	H. 727
H. 699	H. 739
H. 708	H. 768
H. 709	H. 770
H. 710	H. 772
H. 564	H. 827
H. 573	H. 612

Delivered to the Secretary of State at 6:00 P.M. on July 11, 1995.

H. 109 (Constitution Amendment)

H. 638 (Constitution Amendment)

H. 805 (Constitution Amendment)

GREG PAPPAS
Clerk

ADJOURNMENT

On motion of Representative Venable, the House adjourned until 1:00 o'clock p.m., Wednesday, July 12, 1995.

TWENTY-FIFTH DAY

**House of Representatives
Montgomery, Alabama
Wednesday, July 12, 1995**

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Reverend Walter Solomon, Mt. Moriah Missionary Baptist Church, Birmingham, Alabama.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Chivon Morris, 6th Grade, Vetat Middle School, Detroit, Michigan. Courtney Morris and Whitney Ross of Detroit, Michigan, were in attendance during the Pledge.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the twenty-fourth legislative day and finds the same to be correct.

TOMMY CARTER
Chairman

On motion of Representative Ford, the reading at length of the Journal of the House for the twenty-fourth legislative day was dispensed with.

LEAVES OF ABSENCE

At the request of Representative Knight (J), leave of absence was granted for Representative Holmes.

Also:

At the request of Representative Ford, leave of absence was granted for Representative Carter.

MOTION TO ADJOURN ADOPTED

The motion offered by Representative Hammett that when the House adjourns today, it adjourns to meet again at 9:15 o'clock a.m. on July 13, 1995, was adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H.J.R. 343. COMMENDING BILLY JOE THROWER OF MADISON COUNTY AS A FIRST RECIPIENT OF THE ALABAMA LEGISLATURE LAW ENFORCEMENT MEDAL.

Also:

H.J.R. 344. COMMENDING EARNEST IVY EVANS OF CAMDEN, ALABAMA, AS A FIRST RECIPIENT OF THE ALABAMA LEGISLATURE LAW ENFORCEMENT MEDAL.

McDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the Report of the Committee on Conference on the disagreement of the two Houses on the House amendment to the Bill:

S. 482. To amend Sections 40-10-1, 40-10-2, 40-10-9, 40-10-10, and 40-10-18 of the Code of Alabama 1975, relating to the sales of lands for uncollected taxes on the lands; to provide for tax lien sales and to prescribe procedures relating to tax lien sales; to provide for counties to issue tax lien certificates for certain fees on the lands which have been sold at certain sales to individuals; to prescribe the significance of and authority associated with a tax lien certificate; to provide for payment of taxes on lands purchased at tax lien sales by holders of tax lien certificates; to provide for distribution of monies received from tax lien sales; and to provide for certain redemption procedures.

said Conference Report being in words and figures as follows:

REPORT OF COMMITTEE OF CONFERENCE ON S. 482

We, the Committee of Conference appointed to reconcile the disagreement between the two houses concerning S. 482, have met, considered the bill as substituted, and have agreed to the following report:

Substitute for S. 482

Respectfully submitted,

WENDELL MITCHELL
TOMMY ED ROBERTS
DOUG GHEE

Conferees on the part of the Senate

SETH HAMMETT
STEVE CLOUSE

Conferees on the part of the House

A BILL
TO BE ENTITLED
AN ACT

To amend Sections 40-5-44, 40-10-1, 40-10-2, 40-10-9, 40-10-10, 40-10-11, 40-10-19, 40-10-129 and 40-10-134 of the Code of Alabama 1975, relating to sales of lands for uncollected taxes on the lands; to provide for tax lien sales and to prescribe procedures relating to tax lien sales; to provide for counties to issue tax lien certificates for certain fees on the lands which have been sold at certain sales to individuals; to prescribe the significance of and authority associated with a tax lien certificate; to provide for payment of taxes on lands purchased at tax lien sales by holders of tax lien certificates; to provide for distribution of monies received from tax lien sales and to provide for certain redemption procedures.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The Legislature finds all of the following:

(1) It is estimated that Alabama counties, which collect tax for themselves and other governmental entities within their counties, have several million dollars outstanding as accounts receivable from unpaid secured roll real property tax obligations. These obligations owed to Alabama counties have largely been under-performing assets that could be converted to cash and provide counties and other governmental entities with much needed revenues.

(2) Many counties and other governmental entities have had to reduce essential services and curtail some functions that have historically been performed by government. Public protection agencies in many of these counties and other governmental entities have had law enforcement positions reduced or eliminated.

(3) The Legislature declares that the purpose of this act is to provide counties with the option of selling their outstanding secured roll real property tax accounts receivable and thereby realize immediate cash in order to meet the ongoing services required by counties and the other governmental entities for which the counties collect tax. Upon such a sale, the purchaser of the receivables obtains the right to collect all outstanding delinquent taxes, penalties, interest, and costs with respect thereto.

Section 2. Sections 40-5-44, 40-10-1, 40-10-2, 40-10-9, 40-10-10, 40-10-11, 40-10-19, 40-10-129, and 40-10-134 Code of Alabama 1975, are amended to read as follows:

"§40-5-44.

"On or before July 1 in each year, the tax collector must make final settlement, under oath, with the comptroller, of all matters pertaining to the office of tax collector and pay over to the State Treasurer the balance which may be found due from him for taxes with which he is chargeable under the laws of the

state, and at that time he must also account to the comptroller and pay over to the proper governmental agencies authorities and any holder of a tax lien certificate issued pursuant to this amendatory act all money received by him for the sale of lands and other property which may have been sold for payment of taxes and also account to the comptroller for all lands bought by the state. He must also report under oath to the comptroller and pay over to the State Treasurer all escaped taxes assessed and collected by him. For failure of any tax collector to make any of the settlements herein required to be made by July 10 of each year, he shall forfeit ten dollars (\$10) per day, which shall be deducted from the amount of commissions due and payable to him on such settlements respectively; and it shall be the duty of the comptroller, or the county treasurer, or the custodian of the county funds, as the case may be, to withhold all commissions in cases where settlements are not made by July 10 of each year.

"§40-10-1.

"The probate court of each county ~~is empowered to~~ may order the sale of lands therein for the payment of taxes assessed on ~~such the~~ the lands, or against the owners ~~thereof of the lands~~, when the tax collector shall report to the court that he or she or the holder of a tax lien issued pursuant to this amendatory act was unable to collect the taxes assessed against ~~such the~~ the land, or any mineral, timber or water right or special right, or easement therein, or the owner thereof, without a sale of ~~such the~~ the land.

"§40-10-2

"~~It shall be the duty of the~~ The tax collector shall, at the expense of the county, ~~to~~ procure a substantially bound book in which he or she shall enter, in the manner usual in docketing causes for trial in the circuit court, each parcel of real estate, or right or interest, or easement therein, assessed to any person against whom taxes have been assessed which are not paid or, if the tax collector has received written notice from the holder of a tax certificate, issued pursuant to this amendatory act, requesting that the tax collector list the property described in such tax certificate in the book of lands prepared pursuant to this section, have been paid by the holder of such holder of a tax lien certificate, when a portion of ~~all such~~ the taxes are on ~~such the~~ the real estate or right or interest or easement therein, describing the same in the same manner as it is described in the assessment list or the record of tax lien sales kept pursuant to this amendatory act, if applicable, and stating the amount of the unpaid taxes, or taxes paid by the holder of a tax lien certificate, penalties, fees, and charges due by such the person, specifying the amount due the state and due the county and to special tax districts, and to the holder of a tax lien certificate issued pursuant to this amendatory act and that the amount for fees and charges; and he or she shall in like manner enter in ~~such the~~ the book each parcel of real estate, or right or interest or easement therein, which has been assessed to an "owner unknown," the amount of taxes, fees, and charges due thereon or paid by the holder of a tax lien certificate, stating in each case the fact that it was so assessed. The description of ~~such the~~ the real estate, or right or interest or easement therein, shall be entered in alphabetical order, if

known and they reside in the county, but if they are unknown and do not reside in the county, then by the precincts in which the real estate is situated.

"§40-10-9.

~~"It shall be the duty of the~~ The tax collector ~~to shall~~ attend the several terms of the probate court at which any of ~~such~~ the causes are triable and to have with him or her his or her tax book; and his or her record of tax lien sales kept pursuant to this amendatory act, and ~~such~~ the tax book and record of tax lien sales shall, in all cases, be accepted as prima facie evidence of the amount of taxes and fees due and that the same have been properly assessed and charged and are unpaid or have been paid by the holder of a tax lien certificate.

"§40-10-10.

"If on account of illness or other good and sufficient cause the tax collector is unable to attend any term of court at which any of ~~such~~ the causes are triable, his or her deputy may attend in his or her stead and produce the tax book an the record of tax lien sales kept pursuant to this amendatory act as required of the tax collector.

"§40-10-11.

"If service of such notice is perfected 10 days before the commencement of the term to which the same is returnable, the cause shall stand for trial at such term; and if no defense is interposed or if interposed and on trial thereof the same is adjudged insufficient in law or is not sustained by the evidence adduced, the probate court shall make and enter on such book or docket, a decree of sale substantially in the following form: "It appearing to the court that the taxes have been assessed against the person mentioned in this cause (or if the assessment is to owner unknown that the taxes have been assessed on real estate mentioned in this cause) to the amount of (state amount here) dollars for the year _____, and that the same are still due and unpaid or have been paid by the holder of a tax lien certificate, and it further appearing that notice of this proceeding has been given as required by law, and no valid defense has been interposed against the sale of such real estate for the payment of the taxes or the tax lien certificates, if applicable, it is therefore ordered, decreed and adjudged by the court that the State of Alabama and with respect to each tax lien certificate, the holder of such tax lien certificate, respectively, have ~~has~~ a lien for the payment of said amount and for the additional sum of (state amount here) dollars, for fees, charges and costs in this behalf lawfully incurred, on the following described real estate: (Here insert description of real estate). It is further ordered, adjudged and decreed by the court that said real estate or so much thereof as may be necessary be sold for the payment of said delinquent taxes or tax lien certificates and of said fees, charges and costs, and of the expenses of such sale." Such decree when entered shall be signed by the judge of probate and shall have, when the jurisdiction of the court is shown, the effect of judgments in other cases in courts of record.

"§40-10-19.

"As soon after the confirmation of sale is made as may be practicable, the tax collector must make out and deliver to each purchaser, other than the state, a certificate of purchase, which shall contain a description of the real estate sold and show that the sum was assessed by the assessor, to whom assessed, the date of assessment, for what year or years the taxes were due, the amount of taxes thereon, the amount of and the name of the holder of each tax lien certificate related thereto, distinguishing the amount due the state and county and for school purposes and to each holder of a tax lien certificate and the fees and costs, that it was advertised and how long, that it was offered for sale and at what time, who became the purchaser, at what price and the fact and date of the confirmation of such sale.

"§40-10-129.

"When lands which have been bid in by the state are redeemed, the judge of probate must immediately pay over to the tax collector of the county the entire amount of money received by such judge of probate on such redemption. The tax collector shall pay over to the proper authorities the fees of such officers that accrued in the sale and shall determine the proportionate amounts of the redemption money belonging to the state, including advertising fees, and the amounts of such redemption money belonging to the county and to the school fund and to any municipality and to each holder of a tax lien certificate. The tax collector shall monthly, by the tenth day of the month next after the month in which the redemption was made, pay over such proportions to the proper authorities, respectively, after deducting therefrom the commissions allowed by law to tax collectors for collecting taxes; and he shall certify to the land commissioner and to the county treasurer, upon blanks to be furnished by the State Comptroller, a full descriptive statement of all real estate bid in by the state and redeemed, showing separately the amount of state, county, municipal and school taxes and tax lien certificates and penalties and costs embraced in and covered by the redemption so reported. At the end of any month during which no land has been redeemed, the judge of probate shall report that fact to the land commissioner and to the tax collector.

"§40-10-134.

"When lands have been sold for taxes and bought in for the State of Alabama and have not been redeemed or sold by the state and a period of five years has elapsed from the date of sale to the state, the land commissioner, with the approval of the Governor, may sell the same at private sale to any purchaser for cash at the best price obtainable, irrespective of the amount of taxes due, after giving notice as provided for in Section 40-10-133; provided that the holder of a tax lien certificate related to such land shall be given the option to purchase such land for an amount equal to the best price offered by any purchaser at a private sale."

Section 3. For purposes of this act, "tax lien" means the perpetual first priority lien provided by Section 40-1-3, Code of Alabama 1975, against any parcel of real property representing taxes assessed and levied against the property, together with interest, penalties, and costs applicable by law to the taxes.

Section 4. (a) All tax liens representing unpaid and delinquent taxes on real property shall be subject to a tax lien sale as provided in this act.

(b) The tax collector of any county may adopt a procedure for the sale and transfer of tax liens by the tax collector, subject to this act. Tax liens may be sold individually or in any lot or block to any person and pursuant to any procedure deemed appropriate by the tax collector. Any procedure for the sale of tax liens adopted pursuant to this section shall provide for notice to the delinquent taxpayer of the sale in a manner and at a time deemed appropriate by the tax collector.

(c) The tax collector may sell tax liens representing delinquent taxes for any prior year of assessment, provided that any single tax lien to be sold shall relate to only one year of assessment and shall not be aggregated with any other tax lien for another year on the same parcel.

(d) Except as otherwise provided in this act, a tax lien sale with respect to any delinquent property shall be in lieu of all other remedies provided by law for the collection of delinquent taxes for the relevant year of assessment by the county or the tax collector.

Section 5. Prior to any tax lien sale, the tax collector shall prepare and maintain a list of all tax liens. The list shall be known as the tax lien sale list and shall contain all of the following:

(1) The names of the several persons appearing in the latest tax roll as the respective owners of tax-delinquent properties.

(2) A description of each property as it appears in the latest tax roll.

(3) The year or years for which taxes are delinquent on each property.

(4) The principal amount of the delinquent taxes and the amount of accrued and accruing interest thereon to the day of the proposed tax lien sale relating to each year of assessment.

Section 6. (a) Tax lien sales shall be conducted by the tax collector on the dates and times directed by the tax collector. On the day designated for a tax lien sale, the tax collector shall proceed to sell, pursuant to the procedure adopted by him or her, all tax liens described in the tax lien sale list compiled as provided in Section 5 of this act, except those for which the taxes, penalties, interest, and costs thereon have been paid or deferred. Any delinquent property for which a tax lien remains unsold after a tax lien sale shall be subject to any other remedies provided by law for the collection of the delinquent taxes.

(b) Where two or more lots or parcels are assessed as one parcel, the tax liens on them may be sold as a single tax lien on one parcel.

(c) The sale of a tax lien does not extinguish any deed restriction, deed covenant, or easement on or appurtenant to the parcel.

Section 7. When a tax lien is offered for sale, it shall not be necessary to list or sell it as being against the property of any specific person. The sale is not invalid by reason of the fact that the property was assessed in the name of a person other than the rightful owner or to a person unknown, if the description of the real estate in the tax lien sale list is sufficient to identify it and includes the amount of taxes, interest, penalties, and costs for which its tax lien is to be sold.

Section 8. (a) The purchase price for a tax lien shall be the amount of delinquent taxes plus any fees and costs incurred by the tax collector as of the date of the sale.

(b) The purchase price for a tax lien shall be paid to the tax collector in cash or immediately available certified funds not later than one hour before close of business on the date of the sale.

(c) The purchase price for a tax lien received by the tax collector shall be credited to the tax collector for purposes of calculating commissions, if any, on taxes collected by the tax collector pursuant to Section 40-5-4, Code of Alabama 1975.

Section 9. (a) The tax collector shall make, execute, and deliver a tax lien certificate to each purchaser at the tax lien sale or to each assignee thereafter and shall collect from the purchaser or assignee a fee of one dollar (\$1) for each tax lien certificate.

(b) A tax lien certificate shall evidence the sale or assignment to the holder of the tax lien certificate of the delinquent and unpaid taxes, penalties, interest, and costs set forth therein and represented by the tax lien, and the right to receive amounts in respect thereof as provided in this act.

(c) A tax lien certificate shall bear interest at the rate of 12 percent per annum on the amount of all taxes, penalties, interest, and costs due on the property from the date of the sale of the tax lien to the original purchaser until the tax lien certificate is redeemed as provided by law, or the property is sold pursuant to a decree for sale of real estate required by Section 40-10-11, Code of Alabama 1975.

(d) The tax lien certificate shall (i) describe the real property on which a tax lien is sold as it is described in the tax lien sale list, (ii) specify the date on which the tax lien was sold to the original purchaser, (iii) specify the year of assessment to which the tax lien relates and the amount for which the tax lien was sold to the original purchaser, (iv) recite the amount of all taxes, penalties, interest, and costs

due on the property, which relate to the year of assessment described in (iii) above, as of the date specified in (ii) above, and (v) recite that the certificate bears interest at the rate of 12 percent per annum on the amount described in (iv) above from the date specified in (ii) above.

(e) The purchaser of a tax lien certificate may transfer and assign the certificate to any person, and the transferee of a tax lien certificate may subsequently transfer the certificate to any other person. The transferor of a tax lien certificate shall endorse the certificate and shall swear to the endorsement before a notary public or other officer empowered to administer oaths. The transferee shall present the endorsed tax lien certificate to the tax collector who prepared and sold the certificate, or his or her successor, who, for a fee of one dollar (\$1), shall acknowledge the transfer on the certificate and shall make note of the transfer on the record of tax lien sales kept as provided in Section 10 of this act. An assignment and transfer as provided in this subsection shall vest in the assignee all the right and title of the original purchaser.

(f) A security interest in a tax lien certificate may be created and perfected in the manner provided for general intangibles under Title 7 of the Code of Alabama 1975.

Section 10. The tax collector shall make a correct record of all sales of tax liens pursuant to this act in a durable book, which shall be known as the record of tax lien sales, containing all of the following:

(1) The date of sale.

(2) A description of each parcel on which a tax lien was sold.

(3) The year of assessment to which the tax lien relates.

(4) The name of property owner, if known.

(5) The name and address of original purchaser of the tax lien.

(6) The total amount of taxes, interest, penalties, and costs due on the tax lien, which relate to the year of assessment, as described in Section 9 of this act, as of the date of the sale of the tax lien to the original purchaser.

(7) The amount of any subsequent taxes, penalties, interest, and costs paid by the original purchaser, or assignee, of the tax lien certificate as provided in Section 13 of this act and the year of assessment to which the payment relates.

(8) The name and address of the assignee, if any, and the date of assignment of the tax lien certificate.

(9) The name of the person redeeming and the date of redemption.

(10) The total amount paid for redemption.

(11) The date of any decree of sale pursuant to Section 40-10-11, Code of Alabama 1975, with respect to the property.

Section 11. For purposes of this act, "holder of the tax lien certificate" means the original purchaser of a tax lien or any assignee thereof as described in the record of tax lien sales kept by the tax collector pursuant to Section 10 of this act.

Section 12. When a tax lien certificate is lost or destroyed, the holder of the tax lien certificate may file a notarized affidavit with the tax collector attesting to the loss of the certificate. Upon presentation of the notarized affidavit, the tax collector shall on payment of a fee of ten dollars (\$10) issue to the holder thereof an exact duplicate of the tax lien certificate.

Section 13. (a) The holder of an outstanding tax lien certificate shall have the first right to purchase the tax lien relating to a subsequent delinquency on the property described in the tax lien certificate of the holder, by notifying the tax collector within the time allowed by the procedures established by the tax collector pursuant to this act.

(b) If the holder fails to acquire the subsequent tax lien within the time period specified in subsection (a), the tax collector shall be free to pursue any other remedy provided by law for the collection of the delinquent tax.

Section 14. All monies collected or received by the tax collector as proceeds of a tax sale pursuant to this act shall be distributed in the same manner and proportions as the tax collector is required by law to distribute other monies collected by him or her in satisfaction of ad valorem taxes.

Section 15. (a) Tax liens sold under this act may be redeemed by the owner, his or her agent, assignee, or attorney, or by any person having a legal or equitable claim in the underlying property, at any time prior to entry of a decree of sale in an action authorized by Section 40-10-11, Code of Alabama 1975, by payment to the tax collector of the amount specified on the tax lien certificate as the total amount of delinquent tax, interest, penalty, and costs due on the delinquent property, plus interest at the rate specified in the tax lien certificate.

(b) Statutory fees paid by the holder of the tax lien certificate in connection with the tax lien certificate shall be added to the amount payable on redemption and shall also bear interest at the rate of interest specified in the tax lien certificate.

Section 16. (a) The tax collector shall, upon application to redeem a tax lien sold under this act, and upon being satisfied that the person applying has the right to redeem the tax lien, and upon payment of the amount due, issue to the person a certificate of redemption describing the parcel on which the tax lien is redeemed, giving the date of redemption, the amount paid, and by whom redeemed, and shall make the proper entries in the record of tax lien sales in his or her office.

(b) For each certificate of redemption, the tax collector shall collect from the person to whom the certificate of redemption is issued a fee equal to the redemption fee charged for redemption of property sold to the state.

(c) The holder of a certificate of redemption may record the certificate with the recording officer of the county.

Section 17. A person owning an interest less than the whole in real property may redeem a tax lien against his or her interest, if the interest can be ascertained by legal description provided to the tax collector, by paying the proportionate part of the whole amount due, and shall receive a certificate of redemption for his or her interest in the manner provided by this act.

Section 18. Within 10 days of issuance of any certificate of redemption, the tax collector shall mail a copy of the certificate of redemption to the holder of the tax lien certificate related thereto at the address specified in the record of tax lien sales kept as provided in Section 10 of this act. On demand of any person entitled to redemption money held by the tax collector, the tax collector shall pay the money to the person upon surrender of the tax lien certificate for the redeemed tax lien. If only a portion of the tax lien on the property described in the tax lien certificate has been redeemed, the tax collector shall endorse on the tax lien certificate the portion redeemed and the amount of money paid to the holder of the tax lien certificate, and shall take a receipt therefor.

Section 19. Each holder of a tax lien certificate, desiring to have the probate court order the sale of property for the payment of taxes, shall provide written notice to the tax collector on or before February 1 which contains the following information: (i) A description of the parcel to which the tax lien certificate relates; (ii) the year of assessment to which the tax lien certificate relates; (iii) the name and address of the holder of the tax lien certificate; and (iv) a statement by the holder of the tax lien certificate that he or she is unable to collect the delinquent taxes described in his or her tax lien certificate without a sale of the property and requesting that the tax collector list the property in the book of lands prepared pursuant to Section 40-10-2, Code of Alabama 1975, and delivered to the judge of probate pursuant to Section 40-10-3, Code of Alabama 1975.

Section 20. Each holder of a tax lien certificate shall be entitled to the same rights and remedies with respect to the collection of the amounts due on such tax lien certificate as are available to the tax collector with respect to the collection of delinquent taxes, including, but not limited to, the right to institute garnishment proceedings against the taxpayer for the payment of taxes; furthermore, the holder of a tax lien certificate shall not be entitled to charge the taxpayer for the release or satisfaction of the tax lien any amount more than what would otherwise have been available to the tax collector with respect to the collection of the delinquent tax.

Section 21. This act shall become effective on October 1, 1995, after its passage and approval by the Governor, or upon its otherwise becoming a law.

And said Bill, SB 482, together with the Report of the Committee on Conference, is herewith sent to the House for its consideration.

McDOWELL LEE
Secretary

SENATE MESSAGE

REPORT OF THE COMMITTEE ON CONFERENCE ADOPTED

On motion of Representative Hammett, the House concurred in and adopted the Report of the Committee on Conference on the disagreement of the two Houses on the House amendment to the bill, S. 482, said report being set out in the foregoing Message from the Senate.

Yeas 78; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Gaston, Gipson, Graham, Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (J), Layson, Letson, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Mitchell, Moore, Murphree, Newton (C), Papucci, Parker (T), Payne, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Willis.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 401. To amend Section 8-8-11 of the Code of Alabama 1975, to provide that when a partial payment is made on a judgment for child or spousal support, including medical support, the payment shall be applied first to the principal due and the balance of the payment, if any, would be applied to the payment of the interest.

McDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 377. To amend Section 41-9-644, Code of Alabama 1975, relating to the inspection of a criminal offender's records in the possession of the Alabama Criminal Justice Information Center, to increase the fee for the inspection.

McDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 65. Relating to the Department of Public Safety; to establish the Public Safety Motor Vehicle Replacement Fund to replace the Department of Public Safety law enforcement motor vehicles and to provide for an appropriation to the Department of Public Safety from the Public Safety Motor Vehicle Replacement Fund in the amount of two million dollars (\$2,000,000) for the fiscal year ending September 30, 1996.

McDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 732. Relating to Walker County; authorizing the district attorney to establish a "Municipal Restitution Recovery Division" within the Office of the District Attorney; providing for collection and enforcement of court orders in certain cases of nonpayment of restitution to victims of crime, court costs, fines, penalty payments, victim compensation assessments, and bond forfeitures in municipal courts; providing a collection fee; providing funding for the Municipal Restitution Recovery Division; and providing for a Circuit Clerk's Fund to assist the clerk in the implementation of this act.

Also:

H. 737. To authorize the governing body of the City of Auburn, Alabama, pursuant to Amendment No. 373 to the Constitution of Alabama of 1901, to increase the rate at which there is levied and collected by the said city, on all taxable property situated within the said city, the special ad valorem tax for the support and furtherance of education which is authorized in Amendment No. 8 to the Constitution, to a maximum rate, for any tax year of the said city, which is equal to \$1.10 on each one hundred dollars (11 mills on each dollar) of assessed value.

Also:

H. 773. Relating to the Twenty-First Judicial Circuit of Alabama and the establishment of a Pre-Trial Diversion Program by the District Attorney.

Also:

H. 576. Relating to Elmore County; authorizing the county commission to establish an animal control program; to provide for the appointment of animal control officers; to provide for the annual licensing of dogs and cats; authorizing the collection of fees to fund the animal control program; providing for the investigation of complaints about dangerous animals; and providing for the responsibility of animal owners for their animals.

McDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the Executive amendment to the Bill:

H. 679. To authorize and adopt a voluntary public-private non-profit partnership or trust agreement proposed by The Citizenship Trust; to enhance and expand citizenship education of young people; and to provide for the purposes, member parties, organization, structure, incorporation, non-profit status, powers, tax exemption from state and local taxes.

by a majority of the whole number elected to the Senate, said vote being: Yeas 23, Nays 0.

And said Bill, HB 679, together with the Executive amendment, is herewith returned to the House.

McDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 800. To provide for the implementation of a constitutional amendment authorizing the county commission to regulate the operation of bingo in Houston County, Alabama.

Also:

H. 826. Relating to Shelby County; providing for an additional expense allowance for the tax assessor and tax collector; and providing an expiration date.

Also:

H. 828. Relating to Morgan County; providing for the county commission to reimburse the office of license commissioner for any monetary loss resulting from the performance of official duties for errors, mistakes, or omissions made in good faith, not to exceed a certain maximum per annum; and providing that the funds shall be payable from the county general fund.

Also:

H. 829. Relating to Morgan County; amending Section 3 of Act No. 380, S. 556, 1976 Regular Session (Acts 1976, p. 480), relating to the membership of the Morgan County Board of Education and filling of vacancies on the board; providing that vacancies occurring during the first 16 months of the term of the member shall be filled by election rather than by appointment of the remaining board members; providing for interim appointments; and providing for the effective date.

Also:

H. 830. To propose a local constitutional amendment to the Constitution of Alabama of 1901, to provide that the Legislature may, by local law, provide for the manner of filling vacancies on the Morgan County Board of Education.

Also:

H. 849. To alter, rearrange and extend the boundary lines and corporate limits of the Town of Georgiana in Butler County.

McDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 625. To amend Section 40-14-41, Code of Alabama 1975, relating to foreign corporation franchise tax; to provide an exclusion for banks and bank holding companies for investments in the capital of a foreign corporation that does not pay a franchise tax to the State of Alabama where the bank or bank holding company owns more than 50 percent of the stock of the corporation; to provide further for the determination of the amount of capital employed by a bank or bank holding company in the State of Alabama; and to provide for a retroactive effective date.

McDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Fuller, the House concurred in and adopted the Senate amendment to the bill, H. 625, said Senate amendment being as follows:

**A BILL
TO BE ENTITLED
AN ACT**

To amend Section 40-14-41, Code of Alabama 1975, relating to foreign corporation franchise tax; to provide an exclusion for banks and bank holding companies for investments in the capital of a foreign corporation that does not pay a franchise tax to the State of Alabama where the bank or bank holding company owns more than 50 percent of the stock of the corporation; and to provide for a retroactive effective date.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 40-14-41 of the Code of Alabama 1975, is amended to read as follows:

"§40-14-41.

"(a) Amount of levy. -- Every corporation organized under the laws of any other state, nation or territory and doing business in this state, except strictly benevolent, educational or religious corporations, shall pay annually to the state an annual franchise tax of \$3 on each \$1,000 of the actual amount of its capital employed in this state. Corporations which have qualified to do business in this state shall for the purpose of this title prima facie be held to be doing business in Alabama; provided, that in no event shall the amount paid by any corporation for annual franchise tax be less than the sum of \$25.

"(b) Definition of capital. -- The total capital of such foreign corporation shall be deemed to be an amount equal to the sum of the following:

"(1) The outstanding capital stock;

"(2) Surplus and undivided profits, which shall include any amounts designated for the payment of dividends until such amounts are definitely and irrevocably placed to the credit of stockholders subject to withdrawal on demand;

"(3) The amount of bonds, notes, debentures, or other evidences of indebtedness maturing and payable more than one year after the first day of the franchise tax year;

"(4) The amount of the bonds, notes, debentures, or other evidences of indebtedness maturing and payable at the time to (i) any individual stockholder owning directly or indirectly 10 percent or more of the capital stock of such foreign corporation, or (ii) another corporation owning more than 50 percent of the capital stock of such corporation, or (iii) another corporation more than 50 percent of the capital stock of which is owned by such foreign corporation, and which other corporation referred to in (ii) or (iii) is not also required to pay a franchise tax to the State of Alabama;

"(5) The amount reasonably required to adjust the depreciable property accounts for any rapid, excessive or unreasonable depreciation charges or amortization, so as to restore the depreciable property accounts, for franchise tax purposes, to original cost less depreciation computed on the basis of the useful life of such property to the corporation.

"(c) Determination of capital employed in state. -- The actual amount of such total capital as herein defined which is employed in this state shall be determined in accordance with generally accepted accounting principles appropriate in the particular case, and such determination shall establish a rebuttable presumption

as to the actual amount of capital employed by the corporation in this state; provided, that in the case of organizations whose accounts and records are kept according to rules prescribed by a regulatory agency or instrumentality of the United States or by the Alabama Public Service Commission, or by a state insurance department, the actual amount of capital employed in this state as so determined shall in no event exceed the value of the sum of its tangible property located in this state and its intangible property employed in the conduct of its business in this state.

"(d) Exclusions and deductions.

"(1) There shall be excluded from the amount of capital as determined in subsection (b) of this section the investment by the taxpayer in the capital of other corporations organized under the laws of Alabama, or under the laws of any other state if such other corporations also pay a franchise tax to the State of Alabama, unless the taxpayer is a dealer in stocks or securities, ~~and~~.

"(2) In addition to any other applicable exclusions, in the case of any bank or bank holding company, there shall be excluded from the amount of capital as determined in subsection (b) of this section, the investment by the bank or bank holding company in the capital of any other corporation that does not pay a franchise tax to the State of Alabama if the bank or bank holding company owns more than 50 percent of the outstanding capital stock of the other corporation, unless the other corporation is dormant and not regularly engaged in one or more business activities. A corporation shall not be deemed dormant and shall be considered regularly engaged in one or more business activities, if the corporation owns, directly or indirectly, more than 50 percent of the outstanding capital stock of another corporation regularly engaged in one or more business activities. A corporation shall be deemed to directly or indirectly own more than 50 percent of another corporation if both corporations would be part of a controlled group of corporations as defined in 26 U.S.C. Section 1563 if a 50 percent ownership requirement is applied in lieu of the 80 percent ownership requirement in 26 U.S.C. Section 1563.

"(3) There shall be deducted from the amount of capital employed in this state as determined in accordance with subsections (b) and (c) of this section, the following amounts:

"a. The aggregate amount of loans of money made by the taxpayer in this state and which shall be secured by existing mortgage or mortgages to it on real estate in this state and upon which mortgage or mortgages there shall have been paid the recording privilege tax provided by law;

"b. The amount invested by the taxpayer in bonds or other securities issued by the State of Alabama, or any county, municipality, or other political subdivision of the State of Alabama, or any public corporation organized under the laws of the State of Alabama, unless such corporation is a dealer in securities;

"c. The amount invested by the taxpayer in all devices, facilities, or structures, and all identifiable components thereof or materials for use therein, acquired or constructed primarily for the control, reduction, or elimination of air or water pollution; and

"d. The amount invested by the taxpayer in all real and tangible personal property, equipment, facilities, structures, and components thereof, and materials used in the manufacturing, assembling, or constructing of products or equipment of any kind that are acquired or constructed by the taxpayer and placed in service in a qualifying county of the state (as hereinafter defined) within a period commencing with the date of issuance of a qualification certificate as provided for herein and ending five years thereafter (such real and personal property, equipment, facilities, structures and components thereof, and materials being herein called "qualifying property"). Before any such amount invested by a taxpayer may be deducted from the amount of its capital employed in this state as determined in accordance with subsections (b) and (c) of this section, a qualification certificate must be issued to the taxpayer prior to the due date of the report required by Section 40-14-44 for the year in which investment in qualifying property is first made, a copy of which such qualification certificate shall be filed with the taxpayer's report made pursuant to Section 40-14-44 for such year and for each year thereafter. Such qualification certificate shall state that a committee composed of the Governor of the state, the State Finance Director, and the Revenue Commissioner of the state has, prior to or on the date of such qualification certificate, met and determined, as of such date, 1. that the county in which qualifying property owned or to be owned by the taxpayer is or is to be located was a qualifying county as herein defined, 2. that the Alabama Development Office (or such similar organization of the state which shall succeed to its duties) has certified to the Governor that the economic benefits of investment by the taxpayer in qualifying property located or to be located in the qualifying county will be of a type advantageous to the well-being of the citizens of the state and of significant benefit to the qualifying county in terms of reducing the rate of unemployment therein, and 3. that the taxpayer has entered into an agreement or agreements with the state of the type hereinbelow described. A "qualifying county" for purposes of this subparagraph d. shall be any county of the state (i) which, as of the calendar month next preceding the date of any qualification certificate issued hereunder, has an unemployment rate higher than that of the United States for the same month, in both cases as published in the official statistics compiled and reported by the Bureau of Labor Statistics of the United States Department of Labor, and (ii) the governing body of which shall have, prior to the date of any qualification certificate issued hereunder, presented to the Governor a certified copy of a resolution adopted by the governing body of the county approving of and urging the issuance of qualification certificates of the committee herein provided for with respect to investments in qualifying property made by taxpayers in the county. The issuance by the committee of any qualification certificate hereunder shall be conditioned upon the taxpayer having prior thereto or contemporaneously therewith entered into such agreement or agreements with the state as the committee herein provided for shall have determined to be appropriate, which such agreements may be signed in the name

of said committee for and on behalf of the state by the Governor, pursuant to which the taxpayer shall have agreed to invest, within such period as said committee shall specify, such amounts in qualifying property located in a qualifying county as said committee shall specify. The right of any taxpayer to deduct, pursuant to the lawful issuance of a qualification certificate as provided for herein, amounts invested in qualifying property shall not be subject to revocation and shall continue to be effective so long as and to the extent the taxpayer shall have amounts invested in qualifying property, unless the taxpayer shall fail to comply with the terms of the agreement or agreements with the state hereinabove provided for, in which case the right of the taxpayer to deduct amounts reflecting investments in qualifying property shall cease and determine. The committee provided for herein shall be empowered to issue qualification certificates as provided for herein only during the period commencing with April 30, 1985, and ending on the date five years thereafter.

"e. The amount invested by the taxpayer in all real and tangible personal property, equipment, facilities, structures, and components thereof including all aircraft replacement parts, components, systems, supplies, and sundries affixed or used on said aircraft, and ground support equipment and vehicles used by or for the aircraft, when used by a certificated or licensed air carrier with a hub operation within this state, for use in conducting intrastate, interstate, or foreign commerce for transporting people or property by air. For the purpose of this paragraph, the words "hub operation within this state" shall be construed to have all of the following criteria:

"1. There originate from the location 15 or more flight departures and five or more different first-stop destinations five days per week for six or more months during the calendar year; and

"2. Passengers and/or property are regularly exchanged at the location between flights of the same or a different certificated or licensed air carrier."

Section 2. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 3. This act shall not be amended or repealed or deemed to be in conflict with any subsequent act unless the subsequent act specifically refers to this act and directs that this act be amended or repealed.

Section 4. This act shall be retroactively effective for all open tax years upon its passage and approval by the Governor, or upon its otherwise becoming a law; however, there shall be no refund made of any funds paid in respect of any assessment for capital invested in subsidiaries that do not pay a franchise tax under Section 40-14-41(d), Code of Alabama 1975, as amended, except for funds covered by a petition for refund either filed or denied under Section 40-2A-7(c), Code of Alabama 1975, as amended, prior to the date this act is passed and approved by the Governor.

Yeas 75; Nays 1.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Gaston, Gipson, Graham, Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hilliard, Hinshaw, Hogan, Hooper, Houston, Johnson (E), Johnson (R), Kennedy, Knight (J), Layson, Letson, Maul, McClammy, McDaniel, McMillan, Melton, Minnifield, Mitchell, Moore, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (T), Petelos, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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Nay:

Representative Payne.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 557. Relating to Shelby County; amending Act No. 81-461, H. 933, 1981 Regular Session, to provide further for the collection of the existing sales and use tax.

Also:

H. 591. Relating to Elmore County; to provide for the imposition of fees for fire protection and other related services; to provide for definitions; to provide for eligibility guidelines for receipt of the funds; to provide for the collection and use of the funds; to provide for alteration of fire districts; and to provide for exemptions.

Also:

H. 831. Relating to redeeming lands for taxes in Pike County, Alabama.

McDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 539. To amend Sections 40-14-41 and 40-14-47, Code of Alabama 1975; to clarify that Generally Accepted Accounting Principles are to be used in determining the useful life of assets; to provide that the total capital of a taxpayer includes the status of long-term versus short-term debt; to allow fiscal year corporations to file franchise tax returns at the same time as their tax or financial institution excise tax returns, including extensions; to provide a one-year transition rule; and to provide a retroactive effective date.

McDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Burke, the House concurred in and adopted the Senate amendment to the bill, H. 539, said Senate amendment being as follows:

A BILL
TO BE ENTITLED
AN ACT

To amend Section 40-14-41, Code of Alabama 1975, to clarify that Generally Accepted Accounting Principles are to be used in determining the useful life of assets and in calculating "total capital" unless otherwise provided; to provide for the exclusion from the franchise tax base of corporations operating in Alabama of certain investments in certain foreign subsidiaries not operating in Alabama; and to provide a retroactive effective date.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. This act shall be known and may be cited as the "Foreign Franchise Tax Reform Act of 1995."

Section 2. Section 40-14-41, Code of Alabama 1975, is amended to read as follows:

"§40-14-41.

"(a) Amount of levy. -- Every corporation organized under the laws of any other state, nation, or territory and doing business in this state, except strictly

benevolent, educational, or religious corporations, shall pay annually to the state an annual franchise tax of ~~\$3~~ three dollars (\$3) on each ~~\$1,000~~ one thousand dollars (\$1,000) of the actual amount of its capital employed in this state. Corporations which have qualified to do business in this state shall for the purpose of this title prima facie be held to be doing business in Alabama; ~~provided, that~~ . However, in no event shall the amount paid by any corporation for annual franchise tax be less than the sum of twenty-five dollars (\$25).

"(b) Definition of capital. -- The total capital of such foreign corporation, herein referred to as the "taxpayer," ~~shall be deemed to be an amount equal to the sum~~ aggregate net amount of the following items determined in accordance with Generally Accepted Accounting Principles appropriate in the particular case, as promulgated by the Financial Accounting Standards Board or a similar or successor agency or board, unless otherwise defined in this article:

"(1) The outstanding capital stock and any additional paid-in capital, whether positive or negative, but excluding the taxpayer's cost of its treasury stock;

"(2) ~~Surplus and undivided profits~~ Retained earnings, whether positive or negative, which shall include any amounts designated for the payment of dividends until such the amounts are definitely and irrevocably placed to the credit of stockholders subject to withdrawal on demand;

"(3) The amount of bonds, notes, debentures, or other evidences of indebtedness maturing and payable more than one year after the first day of the franchise tax year, but not including deposit liabilities of banks and other financial institutions as defined by state or federal law;

"(4) The amount of the bonds, notes, debentures, or other evidences of indebtedness, but not including deposit liabilities of banks and other financial institutions as defined by state or federal law, maturing and payable at the time to: (i) any individual stockholder owning directly or indirectly 10 percent or more of the outstanding capital stock of such foreign corporation the taxpayer, or (ii) another corporation owning more than 50 percent of the outstanding capital stock of such corporation the taxpayer, or (iii) another corporation more than 50 percent of the outstanding capital stock of which is owned by such foreign corporation, and which the taxpayer, unless the other corporation referred to in clause (ii) or (iii) is not also required to pay a franchise tax to the State of Alabama;

"(5) The amount reasonably required to adjust the depreciable or amortizable property accounts for any rapid, excessive, or unreasonable depreciation or amortization charges or amortization, so as to restore the depreciable or amortizable property accounts, for franchise tax purposes, to original cost less depreciation or amortization computed on the basis of the useful life of such the property to the corporation taxpayer.

"(c) Determination of capital employed in state. -- ~~The actual amount of such total capital as herein defined which is employed in this state shall be determined~~

~~in accordance with generally accepted accounting principles appropriate in the particular case, and such determination shall establish a rebuttable presumption as to the actual amount of capital employed by the corporation in this state; provided, that~~ The actual amount of capital employed by the taxpayer in this state shall then be determined by apportioning the total capital of the taxpayer, as defined above, to Alabama in accordance with regulations promulgated by the Department of Revenue appropriate in the particular case, except that if the apportionment formula prescribed by the regulations and otherwise applicable to the taxpayer would not fairly represent the actual amount of the capital of the taxpayer employed in this state, then the taxpayer may petition for or the department may require, if reasonable, any one of the following:

"(1) The exclusion of any one or more of the three standard factors plus the cost-of-manufacturing component.

"(2) The inclusion of one or more additional factors which fairly represents the taxpayer's actual amount of capital employed in this state.

"(3) The employment of any other method to effectuate an equitable apportionment of the taxpayer's capital employed to this state.

"However, in the case of organizations whose accounts and records are kept according to rules prescribed by a regulatory agency or instrumentality of the United States or by the Alabama Public Service Commission, or by a state insurance department, the actual amount of capital employed in this state as so determined shall in no event exceed the value of the sum of its tangible property located in this state and its intangible property employed in the conduct of its business in this state.

"(d) Exclusions and deductions.

"(1) There shall be excluded from the amount of capital as determined in subsection (b) of this section the investment by the taxpayer in the capital of other corporations organized under the laws of Alabama, or under the laws of any other state if such other corporations also pay a franchise tax to the State of Alabama, unless the taxpayer is a dealer in stocks or securities, and

"(2) In addition to any other applicable exclusions, in the case of any taxpayer, there shall be excluded from the amount of capital as determined in subsection (b) of this section, the investment by the taxpayer in the capital of any other corporation that does not pay a franchise tax to the State of Alabama if the taxpayer owns more than 50 percent of the outstanding capital stock of the other corporation, unless the other corporation is dormant and not regularly engaged in one or more business activities. A corporation shall not be deemed dormant and shall be considered regularly engaged in one or more business activities, if the corporation owns, directly or indirectly, more than 50 percent of the outstanding capital stock of another corporation regularly engaged in one or more business activities. A corporation shall be deemed to directly or indirectly own more than 50 percent of another corporation if both corporations would be part of a controlled

group of corporations as defined in 26 U. S. C. Section 1563 if a more than 50 percent ownership requirement is applied in lieu of the 80 percent ownership requirement in 26 U. S. C. Section 1563.

"(2) (3) There shall be deducted from the amount of capital employed in this state as determined in accordance with subsections (b) and (c) of this section, the following amounts:

"a. The aggregate amount of loans of money made by the taxpayer in this state and which shall be secured by existing mortgage or mortgages to it on real estate in this state and upon which mortgage or mortgages there shall have been paid the recording privilege tax provided by law;.

"b. The amount invested by the taxpayer in bonds or other securities issued by the State of Alabama, or any county, municipality, or other political subdivision of the State of Alabama, or any public corporation organized under the laws of the State of Alabama, unless ~~such~~ the corporation is a dealer in securities;.

"c. The amount invested by the taxpayer in all devices, facilities, or structures, and all identifiable components thereof or materials for use therein, acquired or constructed primarily for the control, reduction, or elimination of air or water pollution; and.

~~"d. The amount invested by the taxpayer in all real and tangible personal property, equipment, facilities, structures, and components thereof, and materials used in the manufacturing, assembling, or constructing of products or equipment of any kind that are acquired or constructed by the taxpayer and placed in service in a qualifying county of the state (as hereinafter defined) within a period commencing with the date of issuance of a qualification certificate as provided for herein and ending five years thereafter (such real and personal property, equipment, facilities, structures and components thereof, and materials being herein called "qualifying property"). Before any such amount invested by a taxpayer may be deducted from the amount of its capital employed in this state as determined in accordance with subsections (b) and (c) of this section, a qualification certificate must be issued to the taxpayer prior to the due date of the report required by Section 40-14-44 for the year in which investment in qualifying property is first made, a copy of which such qualification certificate shall be filed with the taxpayer's report made pursuant to Section 40-14-44 for such year and for each year thereafter. Such qualification certificate shall state that a committee composed of the Governor of the state, the State Finance Director, and the Revenue Commissioner of the state has, prior to or on the date of such qualification certificate, met and determined, as of such date, 1. that the county in which qualifying property owned or to be owned by the taxpayer is or is to be located was a qualifying county as herein defined, 2. that the Alabama Development Office (or such similar organization of the state which shall succeed to its duties) has certified to the Governor that the economic benefits of investment by the taxpayer in qualifying property located or to be located in the qualifying county will be of a type advantageous to the well being of the citizens of the state and of~~

~~significant benefit to the qualifying county in terms of reducing the rate of unemployment therein, and 3. that the taxpayer has entered into an agreement or agreements with the state of the type hereinbelow described. A "qualifying county" for purposes of this subparagraph d. shall be any county of the state (i) which, as of the calendar month next preceding the date of any qualification certificate issued hereunder, has an unemployment rate higher than that of the United States for the same month, in both cases as published in the official statistics compiled and reported by the Bureau of Labor Statistics of the United States Department of Labor, and (ii) the governing body of which shall have, prior to the date of any qualification certificate issued hereunder, presented to the Governor a certified copy of a resolution adopted by the governing body of the county approving of and urging the issuance of qualification certificates of the committee herein provided for with respect to investments in qualifying property made by taxpayers in the county. The issuance by the committee of any qualification certificate hereunder shall be conditioned upon the taxpayer having prior thereto or contemporaneously therewith entered into such agreement or agreements with the state as the committee herein provided for shall have determined to be appropriate, which such agreements may be signed in the name of said committee for and on behalf of the state by the Governor, pursuant to which the taxpayer shall have agreed to invest, within such period as said committee shall specify, such amounts in qualifying property located in a qualifying county as said committee shall specify. The right of any taxpayer to deduct, pursuant to the lawful issuance of a qualification certificate as provided for herein, amounts invested in qualifying property shall not be subject to revocation and shall continue to be effective so long as and to the extent the taxpayer shall have amounts invested in qualifying property, unless the taxpayer shall fail to comply with the terms of the agreement or agreements with the state hereinabove provided for, in which case the right of the taxpayer to deduct amounts reflecting investments in qualifying property shall cease and determine. The committee provided for herein shall be empowered to issue qualification certificates as provided for herein only during the period commencing with April 30, 1985, and ending on the date five years thereafter.~~

"e: d. The amount invested by the taxpayer in all real and tangible personal property, equipment, facilities, structures, and components thereof including, but not limited to, all aircraft replacement parts, components, systems, supplies, and sundries affixed or used on said an aircraft, and ground support equipment and vehicles used by or for the aircraft, when used by a certificated or licensed air carrier with a hub operation within this state, for use in conducting intrastate, interstate, or foreign commerce for transporting people or property by air. For the purpose of this paragraph, the words "hub operation within this state" shall be construed to have all of the following criteria:

"1. There originate from the location 15 or more flight departures and five or more different first-stop destinations five days per week for six or more months during the calendar year; and

"2. Passengers ~~and/or~~ or property, or both, are regularly exchanged at the location between flights of the same or a different certificated or licensed air carrier."

Section 3. All laws or parts of laws which conflict with this act are repealed.

Section 4. The repeal of a prior act by this act shall not affect any right accrued or established under the provisions of such act, before its repeal.

Section 5. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 6. Except as provided in the following sentence, this act shall be effective for all taxable years or periods beginning after December 31, 1995, provided that it is passed and approved by the Governor, or otherwise becomes a law. The amendments to Section 40-14-41(b), Code of Alabama 1975, relating to the use of the Generally Accepted Accounting Principles in the determination of total capital and useful lives of assets, and the amendments to Section 40-14-41(d)(2), Code of Alabama 1975, relating to an exclusion for an investment in certain corporations that do not pay a franchise tax to the State of Alabama, are retroactively effective for all open tax years.

Yeas 84; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Gaston, Gipson, Graham, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Johnson (E), Johnson (R), Kennedy, Knight (A), Knight (J), Layson, Letson, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (T), Payne, Petelos, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Seibenhener, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has non-concurred in the House amendment to the Bill:

S. 220. To amend Section 32-8-87, Code of Alabama 1975, relating to

motor vehicle certificates of title, to provide further for the circumstances when a motor vehicle would be considered a total loss and to provide further for the issuance of a certificate of title to the owner of a salvage motor vehicle restored to its operating condition prior to damage.

and requests a Committee on Conference.

And the President and Presiding Officer of the Senate has appointed as Committee on part of the Senate, Senators: Barron, Dial, and Windom.

McDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Hooper, the House acceded to the request of the Senate for a Committee on Conference on the disagreement of the two Houses on the House amendment to the bill, S. 220.

Yeas 79; Nays 3.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Box, Boyd, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Gaston, Gipson, Graham, Guin, Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hill, Hilliard, Hogan, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Page, Papucci, Payne, Petelos, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Warren, Willis and Wren.

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Nay:

Representatives Hall (A), Hinshaw and Robinson.

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COMMITTEE ON CONFERENCE APPOINTED

The Speaker appointed as a Committee on Conference on the part of the House, Representatives Hooper, Carothers and Robinson on the disagreement of the two Houses on the House amendment to the bill, S. 220.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 101. Relating to Chilton County; providing for an additional expense allowance and salary for the sheriff, and for the expiration of the expense allowance.

McDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Smith, the House concurred in and adopted the Senate amendment to the bill, H. 101, said Senate amendment being as follows:

On page 2, after line 3, add the following new Section 3 and renumber the remaining sections:

Section 3. The expense allowance and salary increase provided in this act shall be inoperative if the sheriff receives an additional expense allowance or salary increase pursuant to general law during the current term of office or effective upon the beginning of the next term of office which is equal to or greater than the amount provided by this act.

Yeas 62; Nays 0.

Yea:

Mr. Speaker, Black (L), Black (M), Box, Boyd, Burke, Carothers, Clouse, Collins, Crigler, Curry, Dean, Flowers, Ford, Gaines, Gaston, Gipson, Graham, Guin, Hall (L), Hamilton, Haney, Hawkins, Hayden, Hill, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Knight (A), Knight (J), Layson, Letson, Lindsey, Maull, McAdory, McClammy, Minnifield, Moore, Morton, Murphree, Newton (C), Papucci, Parker (T), Petelos, Reed, Robinson, Rogers (J), Rogers (M), Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Turnham, Vance, Venable, Warren, Willis and Wren.

MESSAGE FROM THE GOVERNOR

To The House of Representatives of Alabama
Alabama State House
Montgomery, Alabama 36130

Ladies and Gentlemen:

I transmit herewith to you a message from the Governor, returning House Bill No. 94, without the Governor's signature and with a suggested Executive Amendment.

Done this 10th day of July, 1995.

Respectfully submitted,

WILLIAM P. GRAY
Legal Advisor to the Governor

MESSAGE FROM THE GOVERNOR

To The House of Representatives of Alabama
Alabama State House
Montgomery, Alabama 36130

Ladies and Gentlemen:

I am returning to you, the body in which it originated, House Bill No. 94, without my signature, but with the following suggested Executive Amendment:

EXECUTIVE AMENDMENT TO HOUSE BILL NUMBER 94:

Please amend House Bill No. 94, page 4, line 3, after the word "provided." by inserting the following sentence:

"In no event shall subsection (d) of this act apply to elected officials."

The adoption of the above suggested Executive Amendment will remove my objections to this bill.

Done this the 10th day of July, 1995.

Respectfully,

FOB JAMES, JR.
Governor

GOVERNOR'S MESSAGE

On motion of Representative Page, the House concurred in and adopted the amendment proposed by His Excellency, the Governor, to the bill, H. 94, said Governor's amendment being set out in the foregoing Message from the Governor.

Yeas 83; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (M), Box, Boyd, Burke, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Fuller, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Petelos, Reed, Rogers (J), Rogers (M), Sanderford, Seibenhener, Sims, Smith, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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MESSAGE FROM THE GOVERNOR

To The House of Representatives of Alabama
Alabama State House
Montgomery, Alabama 36130

Ladies and Gentlemen:

I transmit herewith to you a message from the Governor, returning House Bill No. 693, without the Governor's signature and with a suggested Executive Amendment.

Done this 6th day of July, 1995.

Respectfully submitted,

WILLIAM P. GRAY
Legal Advisor to the Governor

MESSAGE FROM THE GOVERNOR

To The House of Representatives of Alabama
Alabama State House
Montgomery, Alabama 36130

Ladies and Gentlemen:

I am returning to you, the body in which it originated, House Bill No. 693, without my signature, but with the following suggested Executive Amendment:

EXECUTIVE AMENDMENT TO HOUSE BILL NUMBER 693:

Please amend House Bill No. 693 on page 2, line 14 by deleting the word "October" and inserting in lieu thereof the word "September".

The adoption of the above suggested Executive Amendment will remove my objections to this bill.

Done on this the 6th day of July, 1995.

Respectfully,

FOB JAMES, JR.
Governor

GOVERNOR'S MESSAGE

On motion of Representative Fuller, the House concurred in and adopted the amendment proposed by His Excellency, the Governor, to the bill, H. 693, said Governor's amendment being set out in the foregoing Message from the Governor.

Yeas 93; Nays 1.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Larson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D),

Thomas (J), Townsend, Turnham, Vance, Venable, Warren, Willis and Wren.

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Nay:

Representative Mitchell.

- 1

PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative Mitchell inadvertently voted "Nay" and intended to vote "Yea" on the adoption of the Executive Amendment to the bill, H. 693.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 691. To amend Section 23-1-280 of the Code of Alabama 1975, relating to the payment for the removal of nonconforming signs adjacent to a highway under certain circumstances; to provide that the owner of a lawfully erected sign would be paid monetary just compensation; to provide that payment would be pursuant to eminent domain; and to provide that amortization would not apply.

McDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Hooper, the House concurred in and adopted the Senate amendment to the bill, H. 691, said Senate amendment being as follows:

A BILL TO BE ENTITLED AN ACT

To amend the Highway Beautification Act by amending Section 23-1-280 of the Code of Alabama 1975, relating to the payment for the removal of nonconforming signs adjacent to a highway under certain circumstances; to provide that the owner of a lawfully erected sign would be paid monetary just compensation; to provide that payment would be pursuant to eminent domain; and

to provide that amortization would not apply; by amending Section 23-1-274(1)a of the Code of Alabama 1975, relating to the size of sign faces; to reduce the maximum square footage allowed on a sign face for sign structures erected after July 15, 1995; to exclude embellishments and cut-out extensions from the square footage calculation for sign structures erected after July 15, 1995; by amending Section 23-1-274(1)c of the Code of Alabama 1975, relating to number of faces allowed per sign structure; to disallow double-faced sign structures for sign structures erected after July 15, 1995; to eliminate the square footage allowance for double-face sign structures for sign structures erected after July 15, 1995; by amending Section 23-1-274(3)c.3 of the Code of Alabama 1975, relating to spacing of sign structures along primary highways located outside the zoning authority of incorporated cities; to increase the minimum spacing from 300 to 500 feet for such sign structures erected after July 15, 1995; by amending Section 23-1-274(3)c.4 of the Code of Alabama 1975, relating to spacing of sign structures along primary highways located within the zoning authority of incorporated cities; to increase the minimum spacing from 100 to 500 feet for such sign structures erected after July 15, 1995.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 23-1-280 of the Code of Alabama 1975, is amended to read as follows:

"§23-1-280.

"Just compensation shall be paid by the removing authority upon the removal of any of the following signs which are not then in conformity with the provisions of this division whether or not removed pursuant to or because of the provisions of this division:

"(1) Signs lawfully in existence on February 10, 1972.

"(2) Signs lawfully in existence on land adjoining any highway made an interstate or primary highway after February 10, 1972.

"(3) Outdoor advertising signs, displays, or devices erected with the purpose of their message being read from the main-traveled way of any interstate highway or primary highway erected outside of an urban area and beyond 660 feet of the edge of the right-of-way of such an interstate or primary highway erected prior to April 11, 1978, and not otherwise lawful under Section 23-1-273, as amended.

"(4) Signs lawfully erected on or after February 10, 1972.

"Notwithstanding any provision of law to the contrary, no removing authority shall remove or cause to be removed, or cause the alteration in any manner of, any lawfully erected sign along any public street or highway within the state without paying just compensation pursuant to Chapter 1A of Title 18 of the Code of Alabama 1975. Amortization for whatever period shall not constitute just compensation."

Section 2. Section 23-1-274(1)a of the Code of Alabama 1975, is amended to read as follows:

"§23-1-274(1)a.

"(1)a. For sign structures erected after July 15, 1995, the maximum area for any one sign shall be 1,200 square feet with a maximum height of 30 feet and maximum length of 60 feet, inclusive of any border and trim on the sign face, but excluding any embellishment on and cut-out extension of the sign face, the base or apron, supports and other structural members. For sign structures lawfully in existence on or before July 15, 1995, the maximum area for any one sign shall be 1,200 square feet with a maximum height of 30 feet and a maximum length of 60 feet, inclusive of any border and trim, but excluding the base or apron, supports and other structural members."

Section 3. Section 23-1-274(1)c of the Code of Alabama 1975, is amended to read as follows:

"§23-1-274(1)c.

"(1)c. Sign structures erected after July 15, 1995 A sign structure may contain one or two signs per facing and may be placed double-faced use only a side-by-side, back-to-back or V-type configuration, and may use no other configuration; provided, that if two signs are used facing the same direction, the aggregate total area shall not exceed 1,200 square feet. Sign structures lawfully in existence on or before July 15, 1995 may contain one or two signs per facing and may be placed double-faced, back-to-back or V-type; provided, that if two signs are used facing the same direction, the aggregate total area shall not exceed 1,200 square feet."

Section 4. Section 23-1-274(3)c.3 of the Code of Alabama 1975, is amended to read as follows:

"§23-1-274(3)c.3.

"(3)c.3. On primary highways located outside the zoning authority of incorporated cities, for sign structures erected after July 15, 1995, there must be at least 300 feet between sign structures on the same side of such highway; and for sign structures lawfully in existence on or before July 15, 1995, there must be at least 300 feet between sign structures on the same side of such highway."

Section 5. Section 23-1-274(3)c.4 of the Code of Alabama 1975, is amended to read as follows:

"§23-1-274(3)c.4.

"(3)c.4. On primary highways located within the zoning authority of incorporated cities, for sign structures erected after July 15, 1995, there must be at least

~~400~~ 500 feet between sign structures on the same side of such highway; , and for sign structures lawfully in existence on or before July 15, 1995, there must be at least 100 feet between sign structures on the same side of such highway."

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Yeas 86; Nays 1.

Yea:

Mr. Speaker, Allen, Bandy, Black (M), Boyd, Burke, Carns, Carothers, Clouse, Crigler, Curry, Dean, Dukes, Flowers, Ford, Fuller, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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Nay:

Representative Hawkins.

- 1

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 754. To amend Section 22-21-265 of the Code of Alabama 1975, relating to the certificate of need process for new institutional health services and providing an exemption for an increase in the bed number by a skilled nursing facility or intermediate care facility under certain conditions; to ratify certain actions taken by the State Health Planning and Development Agency; and to specify rounding of certain occupancy rates to the nearest whole number.

McDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Knight (A), the House concurred in and adopted the Senate amendment to the bill, H. 754, said Senate amendment being as follows:

Amend House Bill No. 754 as engrossed, on Page 7 Line 1 as follows: delete March 31, 1995 and insert in lieu thereof April 10, 1995.

Yeas 81; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Burke, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Johnson (E), Johnson (R), Kennedy, Knight (A), Knight (J), Layson, Letson, Lindsey, McAdory, McClammy, McDaniel, McKee, Melton, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Townsend, Turnham, Vance, Venable, Willis and Wren.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 454. To exempt Habitat for Humanity Organizations from the payment of all state, county, and municipal sales and use taxes and to exempt all property owned and used by these organizations from any state, county, and local ad valorem taxes.

McDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Haney, the House concurred in and adopted the Senate amendment to the bill, H. 454, said Senate amendment being as follows:

On page 2, line 4, after the word "Organizations" add the following: and West Alabama Youth Services, Inc., (WAYS)

On page 2, line 12, after the word "Organizations" add the following: and West Alabama Youth Services, Inc., (WAYS)

On page 2, line 18, after the word "Organizations" add the following: and West Alabama Youth Services, Inc., (WAYS)

Yeas 82; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Boyd, Burke, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Letson, Lindsey, Maull, McAdory, McDaniel, Melton, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Smith, Spratt, Thomas (D), Townsend, Turnham, Vance, Venable and Willis.

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REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.R. 357. URGING THE ALABAMA STATE HEALTH DEPARTMENT AND THE ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT TO INVESTIGATE SLUDGE DUMPING IN THE FABIUS COMMUNITY.

WHEREAS, the Tennessee Valley Authority has delayed releasing results of its testing of sludge that is being dumped in the Fabius community in Jackson County; and

WHEREAS, the residents of Fabius are anxious for reassurance that their safety, health, and welfare are not in jeopardy as a result of the TVA's sludge dumping; now therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, That the Alabama Department of Health and the Alabama Department of Environmental Management are urged to investigate and

evaluate the contents of the sludge that is being dumped by the Tennessee Valley Authority in the Jackson County community of Fabius, and that a copy of this resolution be sent to the State Health Officer and the Director of the Alabama Department of Environmental Management for their immediate consideration.

On motion of Representative Ford, the resolution, H.R. 357, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 340. CREATING A JOINT INTERIM LEGISLATIVE COMMITTEE TO INVESTIGATE TAX AUDITS OF THE DEPARTMENT OF REVENUE AND DIRECTING THE EXAMINERS OF PUBLIC ACCOUNTS TO ASSIST THE COMMITTEE.

WHEREAS, the Legislature of Alabama notes with considerable concern media reports and accompanying documentation regarding the ordering of state tax audits of selective state officials and members of the public; and

WHEREAS, this body desires to ensure that the tax investigative and enforcement powers of the Department of Revenue are not utilized for political purposes or in a punitive or vindictive manner against a particular group of state citizens; and

WHEREAS, we wish to guarantee that individual rights of all citizens of Alabama are neither abused or denied and that the tax statutes are enforced equitably, legally, and uniformly; and

WHEREAS, the Legislature declares it is appropriate to establish an investigative committee to review the performance of the Department of Revenue regarding this matter and determine if legislative, administrative, or other remedial action is necessary; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Joint Interim Legislative Committee to Investigate Tax Audits of the Department of Revenue is created. The committee shall study the actions of the Department of Revenue concerning tax audits and the possible misuse of the investigative and enforcement powers of the department. The committee may recommend necessary legislative, administrative, or other measures to address potential problems. The committee shall have subpoena power.

The committee shall be composed of 3 Members of each house, to be appointed by the presiding officer of each house. The chair and vice chair of the committee shall be elected at the first meeting by the Members of the committee.

The Department of Examiners of Public Accounts is directed to serve as the official investigatory agency for the committee in its study and recommendations, and the department investigation shall include, but not be limited to, the process utilized by the Department of Revenue for the last three calendar years returns, and shall address the equity and statistical validity of the process.

The Chief Examiner of Public Accounts is directed to immediately comply with this resolution and report as soon as practical.

The Commissioner of Revenue is requested to cooperate and assist in this matter.

Upon the request of the chair, the Secretary of the Senate and the Clerk of the House of Representatives shall provide necessary clerical assistance to perform the work of the committee.

The committee shall report its findings, conclusions, and recommendations to the Legislature not later than the fifth legislative day of the 1996 Regular Session, whereupon, the committee shall stand dissolved and discharged of any further duties and liabilities.

Each Member of the committee shall be entitled to his or her regular legislative compensation, his or her per diem, and travel expenses for each day he or she attends a meeting of the committee which shall be paid out of any funds appropriated to the use of the Legislature, upon warrants drawn on the State Comptroller upon requisitions signed by the chair of the committee. Notwithstanding the foregoing, no member shall receive additional legislative compensation or per diem when the Legislature is in session or if a Member is being paid any other payments on the same dates for attendance of other state business.

RESOLVED FURTHER, That a copy of this resolution be sent immediately to the Chief Examiner of Public Accounts, the Governor, and the Commissioner of Revenue.

On motion of Representative Ford, the resolution, H.J.R. 340, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 345. NOTING WITH COMMENDATION THE WYATT/WOODS SECOND FAMILY REUNION.

WHEREAS, as evidenced by the large, festive gathering, the Wyatt/Woods extended family epitomizes the true meaning of family, and their June 14-18, 1995, reunion in Birmingham, Alabama, symbolizes the importance of remembering those individuals from generations past who made invaluable contributions to their country and to the communities in which they lived; and

WHEREAS, throughout the years, the Wyatt/Woods family has nurtured the character and identity of individual members, and has taught each generation the important value systems that have enabled them to succeed in our complex society, and to develop and sustain community spirit; and

WHEREAS, special attention is also drawn to the Wyatt/Woods family for its illustrious record of personal and professional achievements, as well as civic leadership and involvement; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That on this joyous and momentous occasion, we hereby extend heartiest congratulations and best wishes to the Wyatt/Woods family with the hope that there will be many more such celebrations in the years to come.

On motion of Representative Ford, the resolution, H.J.R. 345, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 346. HONORING MRS. IOLA YOUNG GOODSON OF HUNTSVILLE, ALABAMA.

WHEREAS, on the momentous occasion of her retirement following thirty-one years of dedicated service to Alabama Agricultural and Mechanical University, Huntsville, Alabama, it is with sincere pleasure that the Alabama Legislature recognizes and honors the life and service of Mrs. Iola Young Goodson of Huntsville, Alabama; and

WHEREAS, born June 4, 1931, in the rural agricultural community of Boligee, Alabama, in Greene County, to Willie and Iola Wallace Young, Iola Young Goodson's life and achievements represent the fulfillment of a dream instilled by her mother for an education, and of selfless dedication to family and others; and

WHEREAS, over 25 years, despite the hardships and problems she faced, Iola Young Goodson, managed to earn her high school diploma from the Baptist College of Birmingham, and through steadfast commitment, persistent hard work, and an unwavering faith in God, received a Bachelor of Arts degree from Alabama

Agricultural and Mechanical University in 1989, an occurrence which would become a tradition in her family for generations to come; and

WHEREAS, in addition to the responsibilities of earning a livelihood for her children, as a divorced mother of five, Mrs. Goodson also nursed the sick, and cared for her mother and others in need, and always with a joyful spirit; and

WHEREAS, over the last three decades, Mrs. Goodson has served as dormitory hostess and later as head residence counselor at Alabama A & M, and, over these years, has guided, cared for, and nourished countless young students who have come under her care; she also has served as advisor to the Young Women's Christian Association; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That on the occasion of her retirement, and in recognition of outstanding contributions and service to others, we hereby most highly commend Mrs. Iola Young Goodson of Huntsville, Alabama, for whom a copy of this resolution shall be provided with sincere best wishes for every future happiness and success in life.

On motion of Representative Ford, the resolution, H.J.R. 346, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 347. HONORING MATTHEW TAYLOR DRISKILL OF VESTAVIA HILLS, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

WHEREAS, it is with great pride and utmost pleasure that the Alabama Legislature honors Matthew Taylor Driskill of Vestavia Hills, Alabama, who was recently honored as the 1995-1996 Key Club International President; and

WHEREAS, a senior at Vestavia Hills High School, Matt Driskill, who is the son of Dwight L. and Nancy L. Driskill, has an impressive and distinguished academic career with a spectacular grade point average of 4.0 plus, and a class rank of first; and

WHEREAS, Matt has been an active participant in numerous areas of student life as a member of the football team, Student Government Association, Key Club, Fellowship of Christian Athletes, Prom Committee, and the National Honor Society, and he has furthermore served as Junior Class Secretary, Chaplain of the Home Club, and Alabama District Governor and Division Lieutenant Governor of the Key Club, to name but a few; and

WHEREAS, active in numerous community activities including the Hugh O'Brian Community Leadership Workshop, National Young Leaders Conference, and Youth Appreciation Day, Matt Driskill has been honored as the 1995 Governor of Boys State, Who's Who in American High Schools, and was the 1995 State of Alabama Representative to Boys Nation in Washington D. C.; and

WHEREAS, Matt is a devoted member of Shades Mountain Baptist Church where he is a member of the New Wind Youth Choir, a volunteer for Vacation Bible School, and plays on the church basketball team; Matt's outstanding achievements are certainly worthy of this special recognition; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby extend highest commendation and warmest congratulations to Matthew Taylor Driskill of Vestavia Hills, Alabama, and do furthermore direct that a copy of this resolution be provided as evidence of our pride and esteem.

On motion of Representative Ford, the resolution, H.J.R. 347, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 356. MOURNING THE DEATH OF CLYDE WILSON WHITE OF LOGAN, ALABAMA, JUNE 23, 1995.

WHEREAS, it is with a sense of deep sadness and regret that the Alabama Legislature mourns the lamentable death of Mr. Clyde Wilson White of Logan, Alabama, June 23, 1995, at the age of 78 years; and

WHEREAS, born March 17, 1917, the son of the late Leonard Parker and Nora Wright White, Clyde White played football and basketball with the Cullman Bearcats, and was offered a scholarship to Snead State and Auburn University; and

WHEREAS, Mr. White served in combat with honor and distinction during World War II and in reserve service in the Korean Conflict, where he was a military policeman, mailman, and was ultimately honorably discharged as a Master Sergeant; and

WHEREAS, Mr. White was co-owner and president of Builders and Traders Real Estate Company for 25 years, and had previously been a retail store operator, and served with the United States Postal Service; and

WHEREAS, a faithful servant of God, Clyde was a devoted member and active participant of Logan Baptist Church where he was President and member of the Board of Deacons and served on the Church Finance Committee; he was furthermore a pillar of the Logan community and all of Cullman County; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby grievously mourn the death of Mr. Clyde Wilson White of Logan, Alabama, and extend our heartfelt sympathy to his wife, Ival M. White; four daughters, Regina, Marsha, Lynne, and Sonya; a granddaughter, Heather; and other close family and friends for whom a copy of this resolution of sincere condolence shall be provided.

On motion of Representative Ford, the resolution, H.J.R. 356, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 358. COMMENDING DORMAN DEWITT ADAMS OF TUSCALOOSA, ALABAMA, ON HIS OUTSTANDING LAW ENFORCEMENT CAREER.

WHEREAS, Dorman Adams has faithfully served the Tuscaloosa Police Department and the citizens of Tuscaloosa County for the last 25 years; and

WHEREAS, he began his career in law enforcement October 3, 1970, in the Patrol Division of the department, later serving as a criminal investigator, and finally as a member of the Tuscaloosa County Homicide Unit until his retirement; and

WHEREAS, over his dedicated tenure, Homicide Investigator Adams served the department long and well, executing his duties and responsibilities with utmost diligence, devotion to duty, and total commitment to the good and well-being of all citizens of Tuscaloosa County, and earning the admiration and respect of all with whom he was associated; and

WHEREAS, Mr. Adams and his devoted and supportive wife over the last 25 years, Sharon, are the parents of three children, Derwin, Amanda and Kelly; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding service to law enforcement in Tuscaloosa County, and in our state, we hereby most highly commend Dorman Dewitt Adams, for whom a copy of this resolution of sincere regard shall be provided with best wishes for every future happiness and success.

On motion of Representative Ford, the resolution, H.J.R. 358, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 359. COMMENDING DR. JOHN M. LONG FOR HIS ACTIVE YEARS AS A BANDMASTER.

WHEREAS, the Legislature of Alabama, in consensus of commendation, notes the invaluable service rendered by Dr. John M. Long for some 47 years as an active bandmaster in the State of Alabama; and as Director of Bands at Troy State University for the past 30 years; and

WHEREAS, Dr. Long, a native of Guntersville, Alabama, received both his bachelor's degree and an honorary Doctor of Law degree from Jacksonville State University, his master's degree from the University of Alabama, and was the recipient of the Distinguished Service Medal from Kappa Kappa Psi National Fraternity; and

WHEREAS, Dr. Long is impeccably qualified to hold his current positions as Director of Bands, Distinguished Professor of Music, and Dean of the School of Fine Arts at Troy State University, and has brought an unprecedented level of efficiency, professionalism, and stability to the university; and

WHEREAS, in 1994, Dr. Long was elected to the National Band Association's Hall of Fame of Distinguished Band Conductors in 1994, as the youngest active bandmaster to be so honored; he is currently listed in Who's Who in America, Who's Who in American Education, and Who's Who in the South and Southwest, among numerous other prestigious professional honors and awards; and

WHEREAS, Dr. Long has further served in numerous areas of civic activity and involvement including President of the Troy Rotary Club; Past Commander of Post 96 of the Veterans of Foreign Wars; and has, for 20 years, served with the State of Alabama Historical Commission; and

WHEREAS, an Eagle Scout who served as a cubmaster in the Boy Scouts of America, Dr. Long also served many years with the Montgomery Youth Symphony, and the Robert E. Lee High School Band, which he organized in 1955; and

WHEREAS, through hard work and dedication, Dr. Long's bands have performed in every gubernatorial inauguration parade since 1954; he is currently Director of the Musical Halftime show at the Peach Bowl in Atlanta, Georgia; his

radio show, "Strike Up the Band", has been on public radio for 15 years; and his establishment of the Southeastern United States Concert Band Clinic is thriving in its twenty-second year; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of Dr. Long's extraordinary service to Troy State University and the State of Alabama, we hereby most highly commend Dr. John M. Long, whom we hold in highest personal regard, and for whom a copy of this resolution shall be provided.

On motion of Representative Ford, the resolution, H.J.R. 359, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 360. COMMENDING THE ALABAMA FORESTRY ASSOCIATION FOR OUTSTANDING ACHIEVEMENT IN THEIR 1995 LOG A LOAD FOR KIDS CAMPAIGN.

WHEREAS, for the fourth year in a row, with total 1995 contributions reaching \$317,899, the Alabama Forestry Association, representing Alabama's leading industry, has broken its own record in its 1995 Log a Load for Kids campaign to assist in sustaining those special medical centers where Alabama's critically ill and injured kids receive treatment; and

WHEREAS, also, for the fourth consecutive year, Alabama has surpassed all other participating states in this worthy endeavor, raising an astounding four-year total of \$766,000 for Alabama's Children's Hospitals; and

WHEREAS, in Alabama, these funds are distributed by individual contributor choice to centers which are members of the Children's Miracle Network, namely, The Children's Hospital of Alabama in Birmingham, and the University of South Alabama Children's and Women's Hospital in Mobile, as well as centers in Florida, Georgia, and Mississippi; for The Children's Hospitals of Alabama, the funds represent the first installment of the \$750,000 committed by the forestry industry to establish Children's Hospitals Intervention and Prevention Services, a special team effort to provide quality, effective, and much needed assistance for Alabama's abused children; and

WHEREAS, the annual Log a Load for Kids campaign is indeed a praiseworthy effort by Alabama's Forestry Association on behalf of the children of our state, and one which is deserving of highest public recognition; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend and congratulate the Alabama Forestry Association on the outstanding success of their 1995 Log a Load for Kids campaign, and direct that a copy of this resolution be provided as a measure of our gratitude and esteem

On motion of Representative Ford, the resolution, H.J.R. 360, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 121. COMMENDING MR. SHELTON HAWSEY FOR OUTSTANDING EFFORTS IN THE 4-H FORESTRY JUDGING CONTEST.

On motion of Representative Ford, the House concurred in and adopted the resolution, S.J.R. 121.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 122. COMMENDING MR. TONY DOZIER FOR OUTSTANDING EFFORTS IN THE 4-H FORESTRY JUDGING CONTEST.

On motion of Representative Ford, the House concurred in and adopted the resolution, S.J.R. 122.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 123. COMMENDING THE BIRMINGHAM SOUTHERN COLLEGE BASKETBALL TEAM FOR OUTSTANDING ACCOMPLISHMENT.

On motion of Representative Ford, the House concurred in and adopted the resolution, S.J.R. 123.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 124. HONORING LEIGH SHERER, MISS ALABAMA 1995.

On motion of Representative Ford, the House concurred in and adopted the resolution, S.J.R. 124.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 125. COMMENDING BOBBY D. JONES ON HIS RETIREMENT FROM TALLAPOOSA RIVER ELECTRIC COOPERATIVE.

On motion of Representative Ford, the House concurred in and adopted the resolution, S.J.R. 125.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 126. COMMENDING DAVID D. ROBERTS, JR., OF MOBILE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT AND SERVICE TO THE MOBILE COMMUNITY.

On motion of Representative Ford, the House concurred in and adopted the resolution, S.J.R. 126.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 127. CONGRATULATING MR. THOMAS J. LINDLEY, III, ON BEING NAMED EDITOR OF HIS HOMETOWN NEWSPAPER, THE JEFFERSONVILLE EVENING NEWS.

On motion of Representative Ford, the House concurred in and adopted the resolution, S.J.R. 127.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 128. COMMENDING BILL INGRAM ON HIS RETIREMENT FROM THE BIRMINGHAM POST-HERALD.

On motion of Representative Ford, the House concurred in and adopted the resolution, S.J.R. 128.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 129. CONGRATULATING MAHALA ASHLEY DICKERSON AS RECIPIENT OF THE MARGARET BRENT WOMEN LAWYERS OF ACHIEVEMENT AWARD.

On motion of Representative Ford, the House concurred in and adopted the resolution, S.J.R. 129.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 130. HONORING MR. CHARLES PHARR FOR OUTSTANDING ACCOMPLISHMENTS.

On motion of Representative Ford, the House concurred in and adopted the resolution, S.J.R. 130.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 132. DESIGNATING S. 74 THE DEBORAH K. MILLER ACT.

On motion of Representative Ford, the House concurred in and adopted the resolution, S.J.R. 132.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 133. URGING THE ALABAMA U. S. CONGRESSIONAL DELEGATION TO VIGOROUSLY FIGHT TO RESTORE FUNDING TO MARSHALL SPACE FLIGHT CENTER IN HUNTSVILLE, ALABAMA.

On motion of Representative Ford, the House concurred in and adopted the resolution, S.J.R. 133.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 134. HONORING MS. OLA MAE SANDERS OF BAY MINETTE, ALABAMA, ON THE OCCASION OF HER 74TH BIRTHDAY, JULY 28, 1995.

On motion of Representative Ford, the House concurred in and adopted the resolution, S.J.R. 134.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 135. DESIGNATING PORTIONS OF NORTH ALABAMA AS "THE TRAIL OF TEARS CORRIDOR OF NORTH ALABAMA" IN AN EFFORT TO COMMEMORATE THE MANY NATIVE AMERICANS WHO DIED AND/OR WERE REMOVED TO INDIAN TERRITORY DURING THE HISTORIC PERIOD KNOWN IN THE SOUTHEAST AS "THE INDIAN REMOVAL."

On motion of Representative Ford, the House concurred in and adopted the resolution, S.J.R. 135.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 271. URGING THE U. S. CONGRESSIONAL DELEGATION FROM ALABAMA TO SUPPORT LEGISLATION GRANTING TO ATOMIC VETERANS SERVICE-CONNECTED MEDICAL AND DISABILITY BENEFITS AND LEGISLATION AUTHORIZING THE ISSUANCE OF A MEDAL.

WHEREAS, Alabama's atomic veterans showed steadfast dedication and undisputed loyalty to their country and made intolerable sacrifices in service to America; and

WHEREAS, these atomic veterans gave their all during the terribly hot atomic age to keep our country strong and free; and

WHEREAS, these atomic veterans were unknowingly placed in the line of fire, after being assured that they faced no harm, and were subjected to an ungodly bombardment of ionizing radiation; and

WHEREAS, the radiation to which they were exposed is now and will continue to eat away at their bodies every second of every day for the rest of their lives with no hope of cessation or cure; and

WHEREAS, because their wounds were not of the conventional type, and were not caused by the enemy but by the United States Government, the atomic veterans did not receive service-connected medical disability benefits and did not receive a medal such as the Purple Heart; and

WHEREAS, many atomic veterans have already died and others will die a horrible and painful death; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That atomic veterans be recognized by the federal government, and that the United States Senators and Representatives from Alabama support legislation granting service-connected medical and disability benefits to all atomic veterans who were exposed to ionizing radiation and legislation issuing a medal to atomic veterans to express the gratitude of the people and government of the United States for the dedication and sacrifices of these veterans.

BE IT FURTHER RESOLVED, That copies of this resolution be sent by the Clerk of the House of Representatives to the President of the United States, the Vice President of the United States, the Speaker of the U. S. House of Representatives, the Secretary of Defense, the Secretary of Veterans Affairs, the Chairpersons of the Senate and the House of Representatives' Veterans Affairs Committees, and each member of Alabama's Congressional Delegation.

On motion of Representative Ford, the resolution, H.J.R. 271, was adopted.

BILLS ON SECOND READING

Representative Newton (D), Chairperson of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

S. 333. (With Amendment): Relating to the suspension of driving privileges for certain alcohol related actions; specifying the suspension procedure and duration; specifying a hearing and appeal process; and specifying a prospective effective date.

Representative Newton (D), Chairperson of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute and amendment, and it was read a second time and placed on the Calendar, to-wit:

S. 373. (With Substitute) (With Amendment): Relating to law enforcement officers; to prohibit an automobile insurance carrier of a law enforcement officer from considering motor vehicle accidents in government vehicles.

Representative Newton (D), Chairperson of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 733. (With Substitute): To amend Sections 15-18-171, 15-18-172, 15-18-175, 15-18-176, 15-18-178, 15-18-180, and 15-18-184, Code of Alabama 1975, to provide further for the Community Punishment and Corrections Act of 1991, with other sentencing laws and existing community corrections programs; to authorize counties to participate in the program; to authorize the use of inmates in state, county, or municipal employment or community service; to allow authorities established under the act to participate in state and county liability self-insurance funds upon terms and conditions established by the programs of the funds; and to make related changes.

Representative Newton (D), Chairperson of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 934. Relating to parents and children; to provide that parents who report criminal activity of a minor child are not criminally liable for the criminal action of the minor; to provide that parents are not liable for that portion of a civil judgment which represents the award of treble damages for property loss caused by a

criminal act; and to provide that parents of a minor child are liable in a civil action for any willful act committed by the minor.

S. 311. To amend Section 32-5A-191 of the Code of Alabama 1975, as amended by Act No. 94-652, S. 280, 1994 Regular Session (Acts 1994, p. 1243) relating to driving under the influence of alcohol; to prohibit the operation of a motor vehicle by a person under the age of 21 years who has .02 percent or more by weight of alcohol in his or her blood; and to provide penalties.

S. 309. To create a new circuit judgeship in the Fourth and Ninth Judicial Circuits.

Representative Newton (D), Chairperson of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with amendment, and they were severally read a second time and placed on the Calendar, to-wit:

H. 922. (With Amendment): Relating to crime victims' rights; to establish and implement certain rights of victims of crime; and to establish certain procedures for enforcing those rights throughout the criminal justice process.

H. 927. (With Amendment): To provide that a person who devises a scheme to defraud another person and communicates in any way in furtherance of this scheme is guilty of fraud; to provide that the person would be guilty of a Class A misdemeanor, a Class C felony, or a Class B felony depending upon the value of the property, money, or thing; to provide that reliance is not a necessary element of the offense; and to provide a penalty.

Representative Hooper, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 284. To create the Order of Honorable Alabama Generals and Admirals.

H. 729. To amend Section 37-1-3 of the Code of Alabama 1975, relating to the Public Service Commission; and to provide further for the terms of office of its members.

H. 884. Relating to public assistance; to provide procedures for the payment of certain welfare benefits; to provide for conditions of eligibility; to prescribe penalties for fraud; to provide for a job referral program for welfare recipients; and to provide administrative procedures for determining paternity and for obtaining orders for the payment of child support.

Representative Gaines, Chairperson of the Standing Committee on Business and Labor, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 904. To establish the Fair Employment Act of Alabama; and to provide for nondiscrimination in public employment, contracts, and programs.

H. 899. To amend Section 41-23-21 of the Code of Alabama 1975; to provide for definitions used in the "Alabama Enterprise Zone Act"; to provide for distressed companies to collect job development fees from certain employees; to provide for disposition of the proceeds from the fees; and to provide for certain agreements between municipalities in which facilities of distressed companies are located and the companies relating to disposition of the proceeds from the fees.

Representative Gaines, Chairperson of the Standing Committee on Business and Labor, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 896. (With Amendment): To provide requirements for a drug-free workplace program which enables an employer in the program to qualify for a premium discount on Workers' Compensation insurance; to provide for substance abuse testing procedures relating to the program; to provide for Employee Assistance Programs; to provide for confidentiality of certain information; and to provide for the Department of Industrial Relations to perform certain administrative duties related to the program.

Representative Flowers, Chairperson of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 910. To establish a Child Care Commission with certain responsibilities for planning, coordinating, reviewing, and making recommendations for enhancing the quality of child care in Alabama.

Representative Laird, Chairperson of the Standing Committee on Insurance, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 192. Relating to alcoholic beverages, requiring specified licensees to maintain a specified amount of liability coverage for any action brought under Section 6-5-71 of the Code of Alabama 1975; specifying certain reporting requirements; and providing for the revocation of a license.

H. 970. To further provide for the lump sum payment of life insurance proceeds to a beneficiary and the payment of interest thereon for deaths of insureds occurring on or after January 1, 1996; and to provide for the timely payment of the life insurance proceeds to a beneficiary and certain exceptions.

Representative Venable, Chairperson of the Standing Committee on Constitution and Elections, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

S. 416. (With Amendment): Proposing an amendment to the Constitution of Alabama of 1901, authorizing the Birmingham City Council to provide for bingo operations for charitable purposes or otherwise within the city in Jefferson County except that portion of the city which lies south of the Birmingham Water Works on Highway 280.

The above bill was read a second time at length as required by the Constitution.

Representative Venable, Chairperson of the Standing Committee on Constitution and Elections, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

S. 265. (With Substitute): Relating to the Fair Campaign Practices Act; amending Sections 17-22A-2 to 17-22A-5, inclusive, 17-22A-7 to 17-22A-9, inclusive, 17-22A-11, 17-22A-12, 17-22A-18, and 17-22A-21, Code of Alabama 1975, to provide further for the solicitation, acceptance, and reporting of campaign contributions and expenditures by candidates, principal campaign committees, and political committees; to limit campaign contributions; to prescribe penalties for violations of this act; and to make an appropriation.

Representative Venable, Chairperson of the Standing Committee on Constitution and Elections, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 730. To propose an amendment to the Constitution of Alabama of 1901 to provide that the people may initiate the enactment of general laws or constitutional amendments by an initiative or may reject statutes or local resolutions and ordinances by local governing bodies through the procedure of referendum petition and election.

The above bill was read a second time at length as required by the Constitution.

Representative White, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 507. To create the Russell County Planning Commission; to provide for the organization, membership, power, personnel, jurisdiction, and financial and

legal status of the planning commission; to authorize the planning commission to make subdivision regulations, a master plan, and to adopt zoning regulations for the orderly development of Russell County; to provide for an election prior to the application of such authority of the planning commission; to grant the planning commission power to zone certain areas within the county and provide a procedure for the amendment of zoning regulations; to prohibit zoning regulations from being retroactive; to provide remedies for the enforcement of the provisions of this act and to provide exceptions to the zoning regulations; and to provide for appeals from the decisions of the planning commission.

H. 869. To alter, rearrange, and extend the boundary lines and corporate limits of the Town of Ider in DeKalb County.

H. 918. Relating to Tallapoosa County; relating to the compensation and expense allowance for the Sheriff of Tallapoosa County; to further provide for an additional expense allowance and expiration date therefor and the sheriff's compensation in the next term of office.

H. 919. Relating to Macon County; providing for the issuance of pistol permits by the sheriff and providing for the distribution and use of the fees; and repealing Act No. 814, H. 1046 of the 1969 Regular Session (Acts 1969, p. 1465), relating to the fee and distribution and use of the fees.

H. 920. Relating to Macon County; providing for additional costs and charges in all circuit and district court cases, excluding the small claims division; providing for the establishment of a Juvenile Court Services Fund and a Judicial Administration Fund in the county; and providing for the distribution of the funds.

H. 931. Relating to Coosa County; relating to the compensation and expense allowance for the Sheriff of Coosa County; to further provide for an additional expense allowance and expiration date therefor and the sheriff's compensation in the next term of office.

H. 941. Relating to Coosa County; providing further for the procedure for selling and redeeming lands for taxes.

H. 947. Relating to the Franklin County Commission; to provide for five commissioners elected from single-member districts effective with the election in November 1996; to provide for the boundaries of the five commission districts; to provide for the selection of the chair; to provide for the salary of the commissioners; to provide for a referendum election; and to repeal all conflicting law.

Representative White, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 949. (With Substitute): Relating to Cullman County; providing further for the distribution and expenditure of new growth money received from the Tennessee Valley Authority in lieu of ad valorem tax payments and amending Section 1 of Act No. 896, S. 776 of the 1978 Regular Session (Acts 1978, p. 1333).

Representative White, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 950. Relating to Cullman County; to further provide for the sheriff's compensation in the next term of office.

H. 952. Relating to Limestone County; to provide further for the office of the county superintendent of education.

H. 953. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Sylacauga, Talladega County.

H. 955. Relating to Walker County; to provide for the distribution of a portion of any tonnage fee collected at any private landfill in the county for the purpose of providing an annual bonus to county employees.

Representative White, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 957. (With Amendment): Relating to Sumter County; to amend Section 4 of Act No. 83-480, H. 669, 1983 Regular Session Acts 1983, p. 672), levying a fee on all hazardous and nonhazardous waste stored, deposited, or dumped at a site presently known as Chemical Waste Management, Inc., near Emelle; to further provide for the distribution of the fees.

Representative White, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 961. Relating to Monroe County; providing for the establishment of a consolidated and unified system for assessment and collection of taxes under the supervision of an elected county official designated as county revenue commissioner; providing for the election, power, duties, term of office and compensation of the official; combining the offices of tax assessor and tax collector for that purpose; and providing for a referendum on the act.

H. 972. Relating to St. Clair County; to allow the school districts of St. Clair County to levy an additional ad valorem tax for educational purposes.

The above bill was read a second time at length as required by the Constitution.

H. 973. Relating to Pike County; providing further for the assessment and collection of ad valorem taxes on motor vehicles; transferring certain duties and responsibilities of the Revenue Commissioner or Tax Assessor and Tax Collector to the Judge of Probate; requiring an additional bond of the Judge of Probate; providing for the deposit of fees and commissions in the general fund of the county.

H. 977. Relating to Baldwin County, authorizing the county commission to regulate the placement of signs and billboards on county highways.

H. 978. Relating to Baldwin County; authorizing the county commission to impose a fee on the rental of video cassettes; to provide for the method of reporting and paying the fee; to provide for penalties for failure to pay the fee; and to provide for disposition of the proceeds from the fee.

H. 979. Relating to Baldwin County; to provide for the Baldwin County Commission to contract for the printing and publication of local laws, regulations, ordinances, court orders, and other related legal issues affecting the county; and to provide for the sale of the codes.

H. 980. Relating to Baldwin County; relating to the compensation and expense allowance for the Sheriff of Baldwin County; to further provide for an additional expense allowance and expiration date therefor and the sheriff's compensation in the next term of office.

H. 981. Relating to the twenty-eighth judicial circuit in Baldwin County; to provide an expense and automobile allowance to the district attorney of the judicial circuit.

S. 520. Relating to Houston County; amending Act No. 89-480 of the 1989 Regular Session, which levies a special county privilege and license tax; to redefine certain terms; to provide further for the collection of the tax; to authorize and provide for the collection of certain municipal privilege and license taxes by the Houston County Commission instead of the State Department of Revenue; to provide certain prerequisites for the collection of the tax and the time and manner of collection of the tax; to provide for a charge by the Houston County Commission for the collection of the tax; and to provide for when an amendment of a municipal ordinance levying the tax is effective and when the Houston County Commission is to perform its duties under this act.

S. 539. Relating to Morgan County; providing for an additional service fee to be charged and collected with respect to the issuance and service of all legal

process issued in the district and circuit courts of Morgan County which is required or requested to be served personally by the Sheriff of Morgan County; and providing for the payment of the fees collected to the county commission for credit to the general fund of the county.

S. 540. Relating to Morgan County; providing for costs and charges in the circuit and district courts in the county in all civil and criminal cases; and providing for distribution of the revenues to be derived from the additional court costs.

S. 541. Relating to Morgan County; providing for an additional filing fee to be charged and collected on all instruments filed for record in the office of the judge of probate for the purpose of establishing and operating a county archives and the development and implementation of an improved indexing and records management system in the office of the judge of probate; and providing for the use of other county funds for the same purposes.

S. 608. Relating to Pike County, providing that the judge of probate shall not receive compensation for publishing a list of qualified electors.

S. 609. Relating to Pike County; to increase the recording fees charged by the judge of probate.

S. 610. Relating to Pike County; to assess an additional fee on civil and criminal cases in the county.

Representative Turner, Chairperson of the Standing Committee on Local Legislation No. 3, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 958. Relating to the pension and relief system for policemen and firemen of the City of Mobile, in Mobile County, and eligibility for a service-connected disability; further amending Section 13 of Act No. 243, H. 278 of the 1964 First Special Session (Acts 1964, p. 326) providing for disabilities and the years for continuous service for police officers to qualify therefor.

Representative Turner, Chairperson of the Standing Committee on Local Legislation No. 3, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 838. (With Amendment): Relating to the Thirteenth Judicial Circuit of Alabama in Mobile County; authorizing the district attorney to establish a Recovery Unit within the Special Services Division as authorized by Section 12-17-24 of the Code of Alabama 1975; providing for collection and the enforcement of court orders in certain cases of nonpayment of restitution to victims of crimes, fines for failure to appear in the court, court costs, fines, penalty payments, victim compensation assessments, and bond forfeitures; providing for a collection fee; providing

funds for a new recovery unit; and providing for a fund to assist in the implementation of this act.

Representative Turner, Chairperson of the Standing Committee on Local Legislation No. 3, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 906. To amend Section 8 of Act No. 970, S. 378 of the 1961 Regular Session (Acts 1961, p. 1545), as amended by Act No. 92-395, H. 736 of the 1992 Regular Session (Acts 1992, p. 815), relating to Mobile County and the fees for registration of motor vehicles by mail, to provide further for motor vehicles registered by mail by persons 65 years of age or older, and for an effective date.

H. 963. Relating to Mobile County; amending Section 2 of Act No. 81-132, H. 229 of the 1981 Regular Session (Acts 1981, p. 152), regulating the operation and licensing of massage parlors in Mobile County, to further provide for definitions and exceptions.

H. 965. Relating to the City of Prichard; creating the Prichard Transportation Authority; and providing for the composition, terms, duties, and powers of the authority.

H. 966. Relating to the City of Prichard; creating the Prichard Communication Authority; providing for the authority's composition, terms, duties, and powers; and providing for funding for the operation of the authority.

Representative Holmes, Chairperson of the Standing Committee on Local Legislation No. 5, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

S. 357. (With Amendment): To amend Sections 3.05 and 4.04 of Act No. 618, H. 796, 1973 Regular Session of the Legislature, relating to the Mayor-Council form of government in cities with a population of not less than 70,000 nor more than 135,000 inhabitants according to the 1970 or any subsequent federal decennial census; so as to further provide for the Council of such cities to set per diem allowances, salaries, or expense allowances for the Council and Mayor.

Representative Hill, Chairperson of the Standing Committee on Local Legislation No. 7, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 480. Relating to Shelby County; to transfer the license-issuing division within the Office of the Judge of Probate to the county commission for issuance of certain licenses; to provide for the selection and development of classified service personnel for the license-issuing division; to provide certain duties for the division;

to provide for an optional procedure for the renewal of motor vehicle licenses in the county by mail; to authorize certain additional fees and costs pursuant to the system of renewal of motor vehicle licenses by mail; to provide that the fees would be set by the county commission from time to time to pay the cost of mailing tags or decals; to prescribe procedures for the assessing and collecting of certain taxes; and to provide that the issuance of marriage licenses would remain the responsibility of the Office of the Judge of Probate.

H. 971. Relating to Shelby County; amending Act No. 94-666, H. 906, 1994 Regular Session, imposing a fee on the privilege of engaging in the business of real estate transactions to provide further for the effective date of the act.

Representative Turnham, Chairperson of the Standing Committee on Local Legislation No. 8, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 518. To authorize the governing body of the City of Auburn, Alabama, pursuant to Amendment No. 373 to the Constitution of Alabama of 1901, to increase the rate at which there is levied and collected by the said city, on all taxable property situated within the said city, the special ad valorem tax for the support and furtherance of education which is authorized in Amendment No. 8 to the Constitution, to a maximum rate, for any tax year of the said city, which is equal to \$1.10 on each one hundred dollars (11 mills on each dollar) of assessed value.

Representative White, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 959. Relating to Dallas County; amending Act No. 94-669, H.923, 1994 Regular Session, which provides for a special transaction fee on certain public business to provide that the fee shall be paid to the County License Commissioner and to provide for a retroactive effect.

H. 960. Relating to Dallas County; to provide for the investment of interest on interest-bearing accounts collected by the Circuit Clerk of Dallas County; to provide for the distribution of the interest of the investment; to establish a special fund; and to specify uses and restrictions of the funds.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time and referred to appropriate standing committees as follows:

By Representatives Ford, Galliher, and Page:

H. 982. To induce certain industrial manufacturing companies to remain in Alabama and to employ persons in Alabama by allowing annual income tax credits for capital expenditures incurred in the modernization, revitalization, and rehabilitation of certain existing facilities; to provide that a project eligible for the income tax credit granted herein be engaged in operations described in one of the Standard Industrial Classification Major Groups 20 through 39, expend at least \$50,000,000 on modernization, revitalization, and rehabilitation costs, and employ at least 500 persons at an average hourly wage of at least \$8 per hour or an average total compensation, including benefits, of not less than \$10 per hour; to provide that the annual income tax credit granted herein be used to offset income taxes which are attributable to income generated by or arising out of a qualified project; to provide that income generated by or arising out of the qualified project be determined by an agreement between the reporting entity, which owns or leases the qualified project, and the Department of Revenue; to provide that the credit granted herein be income only after all other exemptions, deductions, and credits; to provide that the credit granted herein be available to the ultimate owners of pass-through entities, such as partnerships, limited liability companies, and trusts; to provide that the annual income tax credit granted herein be available for 20 years; and to provide that the Department of Revenue administer the income tax credit.

COMMITTEE ON INDUSTRIAL DEVELOPMENT
AND ECONOMIC GROWTH

By Representative Murphree (With Notice and Proof):

H. 983. Relating to Blount County; providing for an expense allowance for the coroner; and repealing Act No. 625 of the 1959 Regular Session (Acts 1959, p. 1529), providing for an expense allowance for the coroner.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 983, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Murphree (With Notice and Proof):

H. 984. Relating to Blount County; providing for an expense allowance for each member, except the chair, of the county commission.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 984, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Vance (With Notice and Proof):

H. 985. Relating to Russell County; providing for the levy of an additional recording fee upon documents filed for record with the judge of probate.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 985, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Flowers:

H. 986. To amend Section 25-5-293, Code of Alabama 1975, relating to workers' compensation; to require that utilization review and bill screening be optional.

COMMITTEE ON BUSINESS AND LABOR

By Representative Morrow (With Notice and Proof):

H. 987. Relating to Franklin County; to provide further for fire protection; to levy a fire protection service fee on certain owners of dwellings to provide for certain exemptions; to provide for collection of the fee; to provide for the distribution of funds derived from the fee to fire departments; to provide for the expending and accounting for the funds; and to provide for a referendum.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 987, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Thomas (J) (With Notice and Proof):

H. 988. Relating to Wilcox County; providing for the appointment of a deputy coroner; and providing for an expense allowance of the coroner.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 988, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Hill:

H. 989. To exempt the Alabama Youth Home in Mountain Brook, Alabama from the payment of all state, county, and municipal sales and use taxes.

COMMITTEE ON WAYS AND MEANS

By Representatives Hilliard, Rogers (J), Houston, Melton, and Spratt:

H. 990. To amend Section 11-65-28 of the Code of Alabama 1975, relating to pari-mutuel wagering at certain racing facilities in certain municipalities, to provide further for allocating proceeds from the wagering.

COMMITTEE ON LOCAL LEGISLATION NO. 2

RESOLUTIONS

The following resolutions were introduced:

By Representative Fuller:

H.J.R. 361. DECLARING AN EMERGENCY IN REGARD TO FUNDING FROM THE ALABAMA SPECIAL EDUCATIONAL TRUST FUND FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 1996.

WHEREAS, the Legislature hereby determines pursuant to Act 88-981 that an emergency exists in regard to funding from the Alabama Special Educational Trust Fund:

NOW THEREFORE BE IT RESOLVED BY THE LEGISLATURE, BOTH HOUSES THEREOF CONCURRING, That the sum of \$8,000,000 shall be withdrawn from the Proration Prevention Account and shall be transferred to the Alabama Special Educational Trust Fund on or after October 1, 1995, to be available for appropriation by the Legislature for the fiscal year ending September 30, 1996.

BE IT FURTHER RESOLVED, That this resolution shall become effective immediately upon its passage by the Legislature and approval by the Governor or upon its otherwise becoming a law.

On motion of Representative Fuller, the rules were suspended and the resolution, H.J.R. 361, was adopted.

Also:

By Representative Fuller:

H.J.R. 362. DIRECTING THE JOINT FISCAL COMMITTEE TO ESTABLISH STANDARDS AND CRITERIA FOR PUBLIC AND PRIVATE SCHOOLS PROVIDING SPECIAL EDUCATION SERVICES TO RECEIVE SPECIAL FUNDING FROM THE EDUCATION TRUST FUND.

WHEREAS, certain public and private special schools have received special funding from the Education Trust Fund in the past; and

WHEREAS, no established standards or criteria have been in place to assess the needs and effectiveness of these special schools; and

WHEREAS, the Legislature recognizes that an equitable distribution of any future state funds for special school programs is desirable; and

WHEREAS, it is in the public interest that limited state resources are distributed in an equitable and fair manner that will generate the most effective and efficient return on those investments; and

WHEREAS, it is in the public interest to insure accountability in the process of distributing Education Trust Fund dollars for special schools; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Joint Fiscal Committee shall establish a process by which public and private schools offering special education services may apply for any special funding that may be available to the Committee for fiscal year 1996 and in future fiscal years. The Committee shall establish written standards and criteria that will provide an equitable basis for evaluating applications. Such criteria shall include a local matching funds requirement and an equitable distribution of available state funds based on a formula weighted by exceptionality served on a per student basis.

BE IT FURTHER RESOLVED, That the Joint Fiscal Committee shall solicit public input on the development of the funding formula for public and private special schools by holding one or more public hearings prior to December 1, 1995. The criteria, including the local matching requirements, shall be adopted by the Committee and made public prior to December 15, 1995. Any future revisions to the initial criteria developed by the Committee shall be prospective in nature only and shall be made public prior to December 15 of the years such revisions shall become operative. The Committee shall receive applications for any available state funds up to February 1 of each year. The distribution of any available state funds shall be certified to the Director of Finance on or before March 15 of each year. All schools making an application and meeting the standards and criteria established by the Committee shall receive an equitable, pro rata share of any state funds available to the Committee for distribution to special schools.

BE IT FURTHER RESOLVED, The Secretary of the Senate, Clerk of the House of Representatives and the Legislative Fiscal Office shall provide any assistance as may be necessary at the Committee's request. Each member of the Committee shall be entitled to his or her regular legislative compensation, his or her per diem and travel expenses for each day he or she attends a meeting of the Committee which shall be paid out of any funds appropriated for the use of the Legislature, upon warrants drawn on the state comptroller upon requisitions signed by the Committee's chairman; provided, however, that members shall not receive additional legislative compensation or per diem when the Legislature is in session but they shall receive their travel expenses for all meetings attended and the total expenses of the Committee for the purposes outlined in this resolution shall not exceed \$7,500.00 per annum.

MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Fuller, the rules were suspended in order to take up for immediate consideration the foregoing resolution, H.J.R. 362.

RESOLUTION ADOPTED

On motion of Representative Fuller, the resolution, H.J.R. 362, was adopted.

BILLS ON THIRD READING

BUDGET ISOLATION RESOLUTION TEMPORARILY CARRIED OVER

In accordance with House Rule 21, the Budget Isolation Resolution and the bill, H. 771, were temporarily carried over at the request of Representative Thomas (J).

BUDGET ISOLATION RESOLUTION TEMPORARILY CARRIED OVER

On motion of Representative Knight (A), the Budget Isolation Resolution and the bill, S. 404, were temporarily carried over.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Hayden, the Budget Isolation Resolution relating to the bill, H. 661, was adopted.

Yeas 54; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Buskey, Clark (W), Clouse, Collins, Curry, Dolbare, Dukes, Gaines, Gipson, Graham, Hall (L), Hamilton, Hammett, Haney, Hawk, Hayden, Hill, Hinshaw, Houston, Jackson, Jorgensen, Kennedy, Knight (A), Lindsey, Maull, McClammy, McDaniel, Melton, Minnifield, Moore, Morton, Newton (C), Papucci, Parker (T), Penry, Petelos, Reed, Rogers (M), Sanderford, Sanderson, Seibenhener, Starkey, Thomas (D), Thomas (J), Turner, Turnham, Vance and Venable.

-54

And the bill:

H. 661. Relating to Perry County; proposing an amendment to the Constitution of Alabama of 1901; authorizing the Perry County Commission to levy a three mill ad valorem tax for fire protection.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 65; Nays 0.

Yea:

Mr. Speaker, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Clark (W), Clouse, Collins, Curry, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Gipson, Graham, Hall (L), Hamilton, Hammett, Hawk, Hayden, Hill, Hilliard, Houston, Jackson, Johnson (E), Jorgensen, Kennedy, Knight (A), Knight (J), Letson, Lindsey, Maull, McAdory, McClammy, Melton, Minnifield, Mitchell, Moore, Morton, Newton (C), Papucci, Parker (P), Parker (T), Petelos, Reed, Rogers (M), Sanderford, Sanderson, Seibenhener, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Turner, Vance, Venable and Warren.

-65

BUDGET ISOLATION RESOLUTION TEMPORARILY CARRIED OVER

In accordance with House Rule 21, the Budget Isolation Resolution and the bill, H. 914, were temporarily carried over at the request of Representative Hogan.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Laird, the Budget Isolation Resolution relating to the bill, H. 916, was adopted.

Yeas 64; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Burke, Buskey, Carns, Clark (W), Clouse, Collins, Curry, Dean, Dolbare, Drake, Dukes, Fuller, Gaines, Gaston, Gipson, Graham, Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Houston, Jackson, Johnson (E), Jorgensen, Knight (J), Laird, Layson, Lindsey, Maull, McClammy, McMillan, Melton, Millican, Minnifield, Moore, Morton, Newton (C), Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Rogers (M), Sanderford, Sanderson, Seibenhener, Smith, Spratt, Starkey, Thomas (D), Thomas (J) and Vance.

-64

And the bill:

H. 916. Relating to Randolph County; authorizing the sheriff to operate a jail store for prisoners in county custody; providing for the deposit, distribution, and auditing of monies earned; and confirming and ratifying certain prior actions.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 63; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Burke, Buskey, Carns, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Gaines, Gaston, Gipson, Graham, Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Houston, Jackson, Johnson (E), Jorgensen, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, Melton, Millican, Minnifield, Moore, Morton, Newton (C), Papucci, Parker (P), Parker (T), Payne, Petelos, Pringle, Reed, Rogers (M), Sanderford, Sanderson, Seibenhener, Smith, Spratt, Thomas (D), Thomas (J), Townsend and Vance.

-63

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Lindsey, the Budget Isolation Resolution relating to the bill, H. 923, was adopted.

Yeas 64; Nays 1.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Burke, Buskey, Carns, Clark (W), Clouse, Collins, Curry, Dean, Drake, Dukes, Ford, Fuller, Gaines, Gaston, Gipson, Graham, Hamilton, Hammett, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Houston, Jackson, Johnson (E), Jorgensen, Kennedy, Laird, Lindsey, Maull, McAdory, McMillan, Melton, Moore, Morton, Newton (C), Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Rogers (M), Sanderford, Sanderson, Seibenhener, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham and Vance.

-64

Nay:

Representative Knight (A).

- 1

And the bill:

H. 923. Relating to Cherokee County; relating to the compensation and expense allowance for the Sheriff of Cherokee County; to further provide for an additional expense allowance and expiration date therefor and the sheriff's compensation in the next term of office.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 59; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Burke, Buskey, Carothers, Clark (W), Curry, Drake, Dukes, Ford, Fuller, Gaines, Gaston, Graham, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Minnifield, Moore, Morton, Newton (C), Papucci, Parker (T), Penry, Petelos, Rogers (M), Sanderford, Sanderson, Smith, Spratt, Starkey, Thomas (D), Thomas (J) and Turner.

-59

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Clark (J), the Budget Isolation Resolution relating to the bill, H. 942, was adopted.

Yeas 60; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Burke, Buskey, Carothers, Clark (W), Clouse, Collins, Curry, Dean, Drake, Dukes, Ford, Gaines, Gaston, Gipson, Graham, Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Letson, Lindsey, McAdory, McClammy, McDaniel, Melton, Minnifield, Moore, Morton, Murphree, Newton (C), Papucci, Parker (T), Petelos, Pringle, Rogers (M), Sanderford, Sanderson, Seibenhener, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner and Vance.

-60

And the bill:

H. 942. Relating to Henry County and the county law library fund in Henry County; and to provide that a portion of the county law library fund be used for the upkeep of the courtrooms in the county.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 69; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Burke, Buskey, Carothers, Clark (W), Clouse, Collins, Curry, Dean, Dolbare, Drake, Dukes, Ford, Fuller, Gaines, Gaston, Gipson, Guin, Hamilton, Hammett, Haney, Hawk, Hayden, Hill, Hilliard, Hinshaw, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Laird, Letson, Lindsey, Maull, McAdory, McDaniel, McMillan, Melton, Minnifield, Moore, Morton, Murphree, Newton (C), Papucci, Parker (T), Payne, Penry, Petelos, Reed, Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable and Willis.

-69

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Clark (J), the Budget Isolation Resolution relating to the bill, H. 943, was adopted.

Yeas 67; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Burke, Buskey, Carothers, Clark (W), Clouse, Collins, Curry, Dean, Drake, Dukes, Fuller, Gaines, Gaston, Gipson, Graham, Guin, Hammett, Haney, Hawk, Hayden, Hill, Hilliard, Hinshaw, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Letson, Lindsey, McAdory, McClammy, McMillan, Melton, Minnifield, Moore, Morton, Murphree, Newton (C), Papucci, Parker (T), Petelos, Pringle, Reed, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Turner, Turnham, Vance, Venable and Willis.

-67

And the bill:

H. 943. Relating to Henry County; to amend Act No. 83-558, H. 772 of the 1983 Regular Session (Acts 1983, p. 856), providing for the pistol permit fee of the sheriff and for the distribution of the fees.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 66; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Burke, Buskey, Carothers, Clark (W), Clouse, Collins, Curry, Dean, Dukes, Gaines, Gaston, Gipson, Graham, Guin, Hamilton, Hammett, Haney, Hawk, Hayden, Hill, Hilliard, Hinshaw, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Letson, Lindsey, McClammy, McDaniel, McKee, McMillan, Melton, Minnifield, Moore, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Penry, Petelos, Pringle, Reed, Rogers (M), Sanderford, Sims, Smith, Spratt, Thomas (D), Turner, Turnham, Vance, White and Willis.

-66

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Clouse, the Budget Isolation Resolution relating to the bill, S. 20, was adopted.

Yeas 62; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Burke, Carothers, Clark (W),

Clouse, Collins, Curry, Dukes, Ford, Gaines, Gaston, Gipson, Graham, Guin, Hamilton, Hammett, Hill, Hilliard, Hinshaw, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Layson, Letson, Lindsey, McAdory, McClammy, McMillan, Melton, Minnifield, Moore, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Penry, Petelos, Pringle, Reed, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Turner, Vance, Venable, Warren and White.

-62

And the bill:

S. 20. To alter, rearrange, and extend the boundary lines and corporate limits of the City of Ozark in Dale County.

was read a third time at length and passed.

Yeas 50; Nays 0.

Yea:

Mr. Speaker, Baker, Black (L), Black (M), Burke, Clouse, Collins, Curry, Dean, Drake, Dukes, Flowers, Gaines, Gaston, Gipson, Graham, Hammett, Hawk, Hayden, Hill, Hilliard, Houston, Jackson, Johnson (E), Jorgensen, Knight (A), Letson, Lindsey, McAdory, Melton, Minnifield, Moore, Morton, Murphree, Papucci, Parker (P), Petelos, Pringle, Reed, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Vance and White.

-50

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Morton, the rules were suspended in order to take up out of order the Budget Isolation Resolution and the bill, H. 705.

Yeas 51; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Carns, Clouse, Collins, Curry, Dean, Dolbare, Dukes, Ford, Gaines, Galliher, Gaston, Gipson, Guin, Hamilton, Haney, Hawkins, Hayden, Hill, Hogan, Houston, Jackson, Johnson (E), Knight (A), Lindsey, McClammy, McKee, Minnifield, Moore, Morton, Newton (C), Papucci, Parker (T), Payne, Petelos, Pringle, Reed, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Spratt, Townsend, Turnham, Vance and Willis.

-51

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Morton, the Budget Isolation Resolution relating to the bill, H. 705, was adopted.

Yeas 45; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Carns, Clark (W), Collins, Curry, Dean, Dolbare, Drake, Ford, Gaines, Gaston, Gipson, Guin, Hamilton, Haney, Hawkins, Hayden, Hill, Hilliard, Hogan, Houston, Jackson, Johnson (E), Knight (A), Lindsey, McClammy, McKee, Melton, Morton, Papucci, Payne, Petelos, Pringle, Reed, Rogers (M), Sanderson, Seibenhener, Sims, Spratt, Starkey, Turnham, Vance and Willis.

-45

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 705. Relating to the City of Birmingham in Jefferson County, to further amend Act No. 929, 1951 Regular Session and as extensively amended by Act No. 1272, 1973 Regular Session which created a Retirement and Relief System for officers and employees of Class 1 Municipalities, so as to provide further for a member appointed by the city council and a retired member elected by the retired members in the system to serve as members of the board of managers of the City of Birmingham Retirement and Relief System; to provide further for a quorum of the board; to provide additional compensation for members of the board; and to provide further for the filing of reports and records which shall be public records subject to inspection.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 37; Nays 0.

Yea:

Mr. Speaker, Black (L), Carns, Clark (W), Curry, Dean, Drake, Ford, Gaines, Gaston, Hamilton, Haney, Hawkins, Hayden, Hill, Hilliard, Jackson, Johnson (E), Knight (A), Lindsey, McClammy, McKee, Melton, Morton, Papucci, Payne, Petelos, Pringle, Reed, Sanderford, Sanderson, Sims, Spratt, Starkey, Townsend, Turnham and Willis.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Hogan, the Budget Isolation Resolution relating to the bill, H. 914, which was previously temporarily carried over was adopted.

Yeas 58; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Box, Burke, Clark (W), Clouse,

Collins, Curry, Dean, Drake, Dukes, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hamilton, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Jackson, Johnson (E), Knight (A), Knight (J), Letson, Lindsey, McClammy, McDaniel, McKee, Melton, Minnifield, Moore, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Petelos, Pringle, Reed, Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend and Willis.

-58

And the bill:

H. 914. Relating to the Fourteenth Judicial Circuit; to provide for funding for the Office of the District Attorney by the Walker County Commission; to provide a method for determining amounts; and to provide factors to be used in determining the adequacy of the amount.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 58; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Box, Burke, Buskey, Clark (W), Clouse, Collins, Curry, Dean, Drake, Dukes, Ford, Gaines, Gaston, Gipson, Graham, Guin, Hall (L), Hammett, Haney, Hawk, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Knight (A), Knight (J), Letson, Lindsey, McClammy, McDaniel, McKee, Melton, Minnifield, Moore, Morton, Murphree, Newton (C), Papucci, Parker (T), Petelos, Pringle, Reed, Rogers (M), Sanderford, Sims, Smith, Spratt, Thomas (D), Venable, White and Willis.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senators Windom and Bedford:

S. 405. To amend Section 1 of Act No. 94-614, S. 375, 1994 Regular Session (Acts 1994, p. 1132), now appearing as Section 32-6-360 of the Code of Alabama 1975, relating to distinctive license tags or plates bearing the words "Fraternal Order of Police"; and to provide that only active members of the Fraternal Order of Police would be eligible to receive the distinctive license tags.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 405. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senator Ghee (With Notice and Proof):

S. 640. Relating to Calhoun County; providing for the establishment of a consolidated and unified system for assessment and collection of taxes under the supervision of an elected county official designated as county revenue commissioner; providing for the election, power, duties, term of office, and compensation of the official; abolishing the offices of tax assessor and tax collector; and providing for a referendum.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, S. 640, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 640. Local Legislation No. 1.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senator Clay:

S. 647. To propose an amendment to the Constitution of Alabama of 1901, to provide for two elected members to the electrical utility owned by the City of Tuskegee in Macon County and to provide for stipends for certain members of the board who are not members of the city council.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read a first time at length as required by the Constitution and referred to the Standing Committee as follows:

S. 647. Local Legislation No. 1.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Roberts:

S. 598. Proposing an amendment to the Constitution of Alabama of 1901, to provide that certain elected public officials in Morgan County may participate in the Employees' Retirement System in lieu of participating in a supernumerary program or system.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read a first time at length as required by the Constitution and referred to the Standing Committee as follows:

S. 598. Local Legislation No. 1.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Roberts (With Notice and Proof):

S. 595. To alter, rearrange, and extend the boundary lines and corporate limits of the City of Decatur in Morgan County and Limestone County.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, S. 595, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 595. Local Legislation No. 1.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senators Bedford, Windom, Roberts, and Smitherman:

S. 372. To amend Section 36-30-1 of the Code of Alabama 1975; to provide that if a peace officer, certified police officer, or reserve law enforcement officer is killed while engaged in the performance of his or her duties and there are no dependents or partial dependents, then his or her mother or father shall be eligible for compensation.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 372. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senator Bedford:

S. 250. To amend Sections 36-30-20, 36-30-21, and 36-30-22 of the Code of Alabama 1975, relating to compensation for disability or death of municipal and other peace officers and law enforcement officers for certain defined occupational diseases; to extend the coverage of benefits for death or disability from certain occupational diseases of peace officers and law enforcement officers of all municipalities, counties, and the state; to define the term peace officer; and to define totally and partially dependent, and spouse.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 250. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Biddle:

S. 564. To amend Section 32-9-20 of the Code of Alabama 1975, relating to the size and weight of a motor vehicle; to provide that evidence regarding truck

weight restrictions would not be admitted in a civil action when the truck weight does not exceed specified amounts plus the 10 percent scale tolerance.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 564. Commerce, Transportation and Utilities.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Windom:

S. 601. To add Section 40-18-31.1 to the Code of Alabama 1975, to provide a limited one-time election to foreign corporations commercially domiciled outside of Alabama, to confirm as proper their classification of dividends from subsidiaries not doing business in Alabama as nonbusiness income and therefore taxable by the state of their commercial domicile; and to provide an effective date.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 601. State Administration.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Lindsey:

S. 313. Relating to the Alabama Peace Officers' Standards and Training Commission and the standards for the certification or authority of law enforcement officers in the state; amending Section 36-21-51 of the Code of Alabama 1975, providing for continuing education of law enforcement officers and for the effect of failure to comply; and providing for the revocation of the certification or authority of a law enforcement officer upon conviction of a felony.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 313. Judiciary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senator Sanders:

S. 90. To provide for the "Alabama Science in Motion Act of 1995"; to make legislative findings and statements of legislative intent; to assign responsibilities to the State Board of Education and to the State Superintendent of Education for its implementation; to make an appropriation of \$1,492,000 from the Alabama Special Educational Trust Fund to the Education Technology Fund for 1994-95 and 1995-96 fiscal years; and to appropriate any unencumbered funds remaining from the appropriation made in Act No. 94-673 and remaining from this Act after the required expenditures are made.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 90. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senator Figures:

S. 457. Reopening the Employees' Retirement System to allow certain members of the system an opportunity to purchase credit in the system for certain prior service rendered in the office of a local district attorney or as a court reporter, or for both.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 457. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Dial:

S. 561. To make a supplemental appropriation from the Alabama Special Educational Trust Fund in the State Treasury to the Randolph County School Board in the sum of \$2,500,000, to Joppa School in Cullman County in the sum of \$1,216,000, and to Collinsville High School in Cullman County in the sum of \$1,100,000 for the fiscal year ending September 30, 1996.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 561. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senator Mitchem:

S. 555. To make a supplemental appropriation from the Alabama Special Educational Trust Fund in the State Treasury to The Diabetes Trust Fund, Inc., in the amount of one hundred thousand dollars (\$100,000) for the fiscal year ending September 30, 1995.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 555. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senators Butler, Little, Roberts, Mitchell, Windom, Smith, Ghee, Freeman, Escott-Russell, Armistead, Langford, Clay, Barron, Biddle, Steele, Davidson, Poole, Hill, McClain, Dixon, Adams, Waggoner, Mitchem, Dial, Bedford, Lindsey, and Figures:

S. 406. To provide requirements for a drug-free workplace program which enables an employer in the program to qualify for a premium discount on Workers' Compensation insurance; to provide for substance abuse testing procedures relating to the program; to provide for Employee Assistance Programs; to provide for confidentiality of certain information; and to provide for the Department of Industrial Relations to perform certain administrative duties related to the program.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 406. Business and Labor.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senator Bedford:

S. 249. To require local boards of education to develop and implement local policies and procedures requiring the expulsion of students, for a period of one year, who have brought to school or have in their possession a firearm in school buildings, on school grounds, on school buses, or at any other school-sponsored function.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 249. Education.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Waggoner:

S. 489. To provide that certain full-time employees and executive officers of the Alabama Sports Hall of Fame Board, a nonprofit corporation, may elect to become members of the State Employees' Health Insurance Plan and to provide

that the Alabama Sports Hall of Fame Board and its employees assume all costs, both contributory and administrative, and that no cost devolve upon the state.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 489. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Armistead:

S. 310. Reopening the Employees' Retirement System for a certain time to allow certain members of the system to purchase credit for certain prior service rendered in the office of a circuit clerk.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 310. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Bedford:

S. 14. To amend Section 36-21-1, Code of Alabama 1975, to increase the maximum amount reimbursed to law enforcement officers for the cost of defending certain lawsuits.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 14. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senators Barron, Dial, Hale, Armistead, and Waggoner:

S. 454. To amend Section 15-22-36 of the Code of Alabama 1975, relating to the granting of pardons and paroles; to provide that a pardon may be granted with the written approval of the Governor.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 454. State Administration.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Lindsey:

S. 512. Relating to business corporations; to repeal Section 10-2B-15.02, Code of Alabama 1975, which provides consequences for failure of foreign corporations to qualify with the Secretary of State before transacting business in Alabama, and to reinstate the penalties and consequences previously existing in Alabama for failure to so qualify.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 512. State Administration.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senator Bedford:

S. 589. To amend Section 40-13-6, Code of Alabama 1975, to provide for disbursement and appropriation of proceeds from certain coal severance taxes.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 589. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Lindsey:

S. 118. To amend Section 30-2-51, Code of Alabama 1975, to provide for discretionary inclusion of certain retirement benefits within a spousal estate when the court determines an allowance upon the grant of a divorce if certain conditions are met.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 118. Judiciary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Little:

S. 620. To amend Section 11-98-5 of the Code of Alabama 1975, which relates to emergency telephone service charges; to specify that the maximum tariff rate may be based on the maximum tariff rate charged by any service supplier in the district; and to provide for retroactive effect.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 620. Commerce, Transportation and Utilities.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Mitchell:

S. 583. To amend Section 30-3-4 of the Code of Alabama 1975, to provide further for the right of grandparents to petition for visitation of grandchildren in the event of the death of a parent.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 583. Judiciary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senator Denton:

S. 318. Providing for distinctive motor vehicle license tags or plates for supporters of Alabama Forests; prescribing the fees for the tags or plates; providing for the establishment of a "Forest Stewardship Education Fund"; providing for the establishment of the "Alabama Forest Stewardship Education Committee"; providing for disposition of the net proceeds from the fees; providing for an expiration date for the tags or plates; and providing for a delayed effective date.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 318. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senators Escott-Russell and Smitherman:

S. 193. To prohibit the Alabama Alcoholic Beverage Control Board from issuing any form of license in a Class 1 or Class 2 municipality for the retail sale of any intoxicating beverage, including, but not limited to, beer and other forms of malt beverages, wine, or liquor of any kind or variety, without the approval of the governing body of the municipality in which the retail sales are sought to be licensed, unless the denial of approval is set aside by the circuit court of the county in which the license site is situated as having been arbitrarily or capriciously denied by the governing body; and to provide for court jurisdiction and procedures to review a denial of municipal approval and for the assessment of attorney fees.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 193. State Administration.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Windom:

S. 501. Relating to Title 7 of the Code of Alabama of 1975, the Uniform Commercial Code, to repeal the current Article 8 and provide for a new Article 8 relating to investment securities and to provide for all of the following: short title and general matters, issue and issuer, transfer of certificated and uncertificated securities, registration, security entitlements, transition provisions for revised Article 8 and conforming amendments to Articles 1, 5, 9, and 10, the perfection of a security interest in investment property in multiple state transactions and in certain other investment property, security interest arising in purchase or delivery of financial assets, conforming amendments to the Alabama Business Corporation Act and the General Statute of Frauds, and shares without certificates under the Alabama Business Corporation Act; to amend Sections 7-9-103, 7-9-105, 7-9-106, 7-9-203, 7-9-301, 7-9-302, 7-9-304, 7-9-306, 7-9-309, and 7-9-312 of the Code of Alabama 1975; to add Sections 7-9-115 and 7-9-116 to the Code of Alabama of 1975; to amend 7-1-105, 7-1-201, 7-1-206, 7-5-114, 7-10-104, and 8-9-2 of the

Code of Alabama of 1975; to amend Act 94-245, 1994 Regular Session, now appearing as Sections 10-2B-6.26 and 10-2B-6.27, Code of Alabama 1975; and to specify a prospective effective date.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 501. Banking.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Freeman:

S. 538. To repeal Section 22-11A-15, Code of Alabama 1975, which requires premarital exams and testing for syphilis.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 538. Health.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Mitchell:

S. 580. Relating to financial institutions; to amend Sections 40-16-1, 40-16-4, and 40-16-6, Code of Alabama 1975, to provide that out-of-state financial institutions are subject to excise taxes, and to provide a retroactive effective date.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 580. Banking.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senators Dixon and Waggoner:

S. 565. Relating to crime victims' rights; to establish and implement certain rights of victims of crime; and to establish certain procedures for enforcing those rights throughout the criminal justice process.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 565. Judiciary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senators Amari, Hale, Adams, Butler, and Little:

S. 69. To authorize the Department of Corrections to design and install high voltage electrified security fence systems at existing prisons and at any proposed medium and maximum security prison facilities.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 69. State Administration.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senator Bailey:

S. 72. Amending Section 36-27-50, Code of Alabama 1975, to reopen the Employees' Retirement System for a certain period to afford certain legislative employees an opportunity to purchase prior service credit for certain temporary service rendered as legislative employees.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 72. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Figures:

S. 84. To amend Sections 24-8-3, 24-8-5, 24-8-7, 24-8-8, 24-8-10, and 24-8-12, Code of Alabama 1975, relating to the Alabama Fair Housing Law, to provide further for fair housing.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 84. Judiciary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Bedford:

S. 109. To amend Sections 36-21-44, 36-21-45, and 36-21-46 of the Code of Alabama 1975, relating to the Peace Officers' Standards and Training Commission, to provide further for the powers, duties, functions, and allowances of the commission; and to provide further for the minimum standards of law enforcement officers.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 109. State Administration.

RESOLUTION

The following resolution was introduced:

By Rules Committee:

H.R. 363. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES: That immediately upon the adoption of this resolution, the following business, in the order set forth below, shall be the special and paramount order of business for the 25th legislative day, Wednesday, July 12, 1995, taking precedence over the regular order of business. Consideration of the following bills and the accompanying BIR shall be limited to a total of 10 minutes. Any bill that fails to pass within the 10-minute period will automatically revert to its position on the regular order calendar. These bills are not subject to motions to carry over temporarily or otherwise.

And the following bills:

Inst Id

H. 390 - By Warren (As Substituted) 113

Motor vehicles, Forest Education, distinctive license plates, Forest Stewardship Education Fund, estab., Forest Stewardship Education Committee, estab., fees, distrib.

H. 52 - By Graham 109

Teachers and ed. personnel, Catastrophic Sick Leave Program, donation of sick leave bank plan, membership requirements, Sec. 16-22-9 am'd.

H. 858 - By Pringle 122

Water and Sewer Utilities System, cert. exempt from sales and use tax, Sec. 11-50-354 am'd.

H. 835 - By Starkey 122

Rainbow Omega, Inc., sales and use tax exempt

H. 610 - By Hall (A) (As Amended) 68

Firefighters, written response from employer to proposals from labor union, procedure, Sec. 11-43-143 am'd.

H. 628 - By Carns (As Amended and Substituted) 91

Pornography, criminal offense of distribution or possession with intent to distribute, penalty for second or third offense, Sec. 13A-12-200.2 am'd.

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H. 909 - By Rogers (M) (As Amended) 163

Public utilities, composition of the mun. waterworks and sewer bd. to reflect ratio of the customer base, provided for, Sec. 11-50-313 am'd.

H. 684 - By Burke 124

Teachers' Retirement System, reopened to allow cert. membs. to purchase credit for cert. time period

H. 658 - By Turner (As Amended) 74

Driver's license, driving with revoked or suspended, impoundment of vehicle, redemption or sale of motor vehicle, Sec. 32-1-4 am'd.

H. 659 - By Turner 81

Motor vehicles, registration req. to be kept in vehicle, Sec. 32-6-65 am'd.

H. 720 - By Knight (J) (As Amended) 95

Public records, personnel records, access to alt., Sec. 36-12-40 am'd.

H. 420 - By Sims 24

Law enforcement training schools, estab., alt., Sec. 36-21-45 am'd.

H. 797 - By Clouse (As Amended) 93

Social workers, licensing of bachelor social workers, ed qualifications alt., Sec. 34-30-22 am'd.

H. 301 - By Hamilton 111

Rescue Units, cert., sales and use tax exempt, Sec. 40-23-5 am'd.

H. 578 - By McDaniel 149

Motor vehicles, dealer tags for wholesale and retail sales incr., Sec. 40-12-264 am'd.

H. 853 - By Payne (As Amended and Substituted)	162
Postsecondary Education Equity Fund, conditional approp.	
H. 738 - By Hooper	112
Retired State Employees' Association, employees auth. to join st. employees' health insurance plan	
H. 152 - By Box	1
Boards of Registrars, voter files, maintenance activities, names purged	
H. 640 - By Wren	78
Syphilis, requirement of premarital testing abolished, Sec. 22-11A-15 repealed	
H. 200 - By McDaniel (As Substituted)	154
Taxation, utility tax exemptions provided for, Sec. 40-21-83 am'd.	
H. 769 - By Letson	120
Lawrence Co., bd. of registrars, meeting days incr., Sec. 17-4-156 am'd.	
H. 935 - By Hinshaw (As Substituted)	143
Developmentally disabled, bill of rights, estab.	
H. 395 - By Morrow	87
Tax, penalties for failure to timely file, payment provided, Sec. 40-2A-11 am'd.	
H. 725 - By Moore (As Amended)	118
Employees' Retirement System reopen for prior service with a district attorney, Sec. 36-27-57 am'd.	
H. 526 - By Curry	42
Firefighters Annuity Fund, estab., bd. of trustees, exec. dir.	

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H. 544 - By Melton (As Amended) 161

Colleges, historically black, Alabama Commission on Historically Black Colleges and Universities, estab., board, powers, appointments, approp.

The following bills are not subject to the 10-minute limitation, and are subject to motions to carry over temporarily or otherwise.

H. 854 - By Hooper 94

Court orders re disbursement of st. funds, legis. approval req., const. amend.

H. 655 - By Hooper (As Amended) 60

Judicial Inquiry Commission, composition and powers, estab., const. amend.

S. 217 - By Waggoner (As Amended) 57

Employees' Retirement System, participation by cert. co. officers in lieu of a supernumerary system, const. amend.

H. 857 - By Turnham 106

Agriculture, fees for inspection, feed, fertilizer, and pesticides, Secs. 2-21-24, 2-22-4, 2-22-9, 2-23-5, 2-27-9 am'd.

H. 343 - By Sanderson 48

Abortion, parental consent, procedure alt., add'l documents and identification required, civil cause of action estab., Sec. 26-21-3 am'd.

H. 326 - By Laird 10

Abortion clinics, required to maintain cert. limit of liability insurance

H. 318 - By Johnson (R) (As Amended) 47

Abortion, hospitals req. to report patients admitted due to complications

H. 338 - By Hooper (As Amended) 49

Health care services, effective consent by minor, access to medical records, Secs. 22-8-4, 22-8-6, 22-8-9 am'd.

H. 333 - By Carns	48
Abortion, voluntary and informed consent of women req., consent defined, civil and criminal penalties, health dept. req. to distrib. cert. materials	
H. 210 - By Hill	4
Checks, bad check charge incr., Sec. 8-8-15, 12-17-224, 13A-9-13.1, 13A-9-13.2 am'd.	
H. 462 - By Parker (T) (As Amended and Substituted)	2
Motor vehicles, seizure of vehicle driven by person with suspended driver's license, procedures, distrib. of fees, penalties	
H. 158 - By Crigler (As Amended)	16
Agriculture or seafood, disparagement, crime of further defined, civil action extended, Secs. 6-5-620, 6-5-621, 6-5-624 am'd.	
H. 848 - By Curry (As Amended)	150
Drug Education and Awareness Oversight Council, estab., membs., powers, provide grants for drug ed. and awareness programs, approp.	
H. 258 - By Curry (As Substituted)	150
Project DARE and DON'T, approp.	
H. 243 - By Fuller (As Substituted)	151
Special Schools, approp.	
H. 263 - By Knight (J) (As Substituted)	151
Benjamin Barnes YMCA, Cleveland Avenue YMCA, Western Area Family Branch YMCA, Boys and Girls Club, approp.	
H. 724 - By Rogers (J) (As Substituted)	152
Birmingham Children's Theatre, approp.	

H. 823 - By Fuller 152

Educational Resources, Inc., approp.

H. 832 - By Fuller 153

Humanities Foundation, approp.

H. 668 - By Fuller (As Substituted) 153

Alabama Sports Festival, approp.

H. 846 - By Laird 132

Pardons, Governor required to sign, Sec. 15-22-36 am'd.

S. 338 - By Bailey 156

Driving Under the Influence, blood alcohol content lowered,
fine incr., Sec. 32-5A-191, am'd., Act 94-652, 1994 Reg.
Sess. am'd.

On motion of Representative Turner, the resolution, H.R. 363, was adopted.

SPECIAL ORDER CALENDAR

The House then proceeded with the consideration of the Special Order Calendar.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Warren, the Budget Isolation Resolution relating to the bill, H. 390, was adopted.

Yeas 67; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Box, Burke, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dolbare, Drake, Gaines, Gaston, Gipson, Guin, Hamilton, Haney, Hawk, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (R), Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McClammy, McDaniel, McKee, Melton, Minnifield, Moore, Morrison, Morton, Murphree, Newton (C), Papucci, Parker (T), Payne, Penry, Petelos, Reed, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Spratt, Starkey, Thomas (J), Vance, Warren, White and Willis.

And the bill:

H. 390. (With Substitute): Providing for distinctive motor vehicle license tags or plates for supporters of Alabama Forests; prescribing the fees for the tags or plates; providing for the establishment of a "Forest Stewardship Education Fund"; providing for the establishment of the "Alabama Forest Stewardship Education Fund"; providing for disposition of the net proceeds from the fees; providing for an expiration date for the tags or plates; and providing for a delayed effective date.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

Providing for distinctive motor vehicle license tags or plates for supporters of Alabama Forests; prescribing the fees for the tags or plates; providing for the establishment of a "Forest Stewardship Education Fund"; providing for the establishment of the "Alabama Forest Stewardship Education Committee"; providing for disposition of the net proceeds from the fees; providing for an expiration date for the tags or plates; and providing for a delayed effective date.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Upon application to the judge of probate or license commissioner, compliance with motor vehicle registration and licensing laws, payment of regular fees required by law for license tags or plates for private passenger or pleasure motor vehicles, and payment of an additional fee of fifty dollars (\$50), owners of motor vehicles who are residents of Alabama shall be issued distinctive "Alabama Forests" license tags and plates. These tags or plates shall be valid for five years, and shall then be replaced with either conventional or personalized tags or plates. Payment of required license fees and taxes for the years during which a new tag or plate is not issued shall be evidenced as provided for in Section 32-6-63 of the Code of Alabama 1975. The distinctive "Alabama Forests" license tags or plates shall be produced and designed by the Alabama Department of Revenue with the advice and consent of the Alabama Forestry Commission. The tags or plates shall be issued, printed, and processed like other distinctive and personalized tags or plates provided for in Chapter 6 of Title 32 of the Code of Alabama 1975.

Section 2. (a) There is established within the State Treasury, "The Forest Stewardship Education Fund," whose purpose is to promote the professional management of trees and related resources and to educate the general public

regarding the contribution that trees and related resources make to the economy and environmental quality of this state.

(b) Proceeds from the additional revenues generated by the fifty dollars (\$50) for the Alabama Forests tags or plates, less administrative costs, shall be submitted monthly by the Alabama State Comptroller to the Forest Stewardship Education Fund. The funds are continuously appropriated to the Alabama Forestry Commission. The expenditure of the funds appropriated shall be budgeted and allotted pursuant to the Budget Management Act and Article 4 of Chapter 4 of Title 41, commencing with Section 41-4-80 of the Code of Alabama 1975. The additional fees represent a charitable contribution from the purchaser to the Alabama Forestry Commission. The funds may be used by the Alabama Forestry Commission or may be used through grants from the Alabama Forestry Commission to other organizations.

Section 3. The distinctive license plates or tags issued pursuant to this act shall not be transferable between motor vehicle owners, and in the event the owner of a vehicle bearing the distinctive plates sells, trades, exchanges, or otherwise disposes of the motor vehicle, the tags or plates shall be retained by the owner to whom issued and returned to the judge of probate or license commissioner of the county, who shall receive and account for the tags or plates as provided in this section. In the event the owner acquires by purchase, trade, exchange, or otherwise a vehicle for which no standard tags or plates have been issued during the current license period, the judge of probate or license commissioner of the county shall, upon being furnished by the owner proper certification of the acquisition of the vehicle and the payment of the motor vehicle license tax due upon the vehicle, authorize the transfer of the distinctive license tags or plates previously purchased by the owner to the vehicle, which tags or plates shall authorize the operation of the vehicle for the remainder of the then current license period. In the event the owner of the distinctive license tags or plates acquires by purchase, trade, exchange, or otherwise a vehicle for which standard plates have been issued during the current license year, the judge of probate or license commissioner shall, upon proper certification of the owner and upon delivery to the official of the standard plates previously issued for the vehicle, authorize the owner of the newly acquired vehicle to place the distinctive license tags or plates previously purchased on the vehicle and use the tags or plates for the remainder of the then current license period. The notice of transfer of ownership shall be recorded by the judge of probate or the license commissioner.

Any person acquiring by purchase, trade, exchange, or otherwise any vehicle formerly bearing the distinctive tags or plates may, upon certification of the fact to the judge of probate or license commissioner of the county and the payment of the fee now required by law, purchase standard replacement plates for the vehicle which shall authorize the operation of the vehicle by the new owner for the remainder of the license period.

Section 4. (a) The Alabama Forest Stewardship Education Fund shall be administered by the Alabama Forest Stewardship Education Committee. The

committee shall be appointed by the Alabama Forestry Commission and composed of the following members:

- (1) One member of the Alabama Association of Consulting Foresters.
 - (2) One member of the Alabama Treasure Forest Landowners Association.
 - (3) One member of the Urban Forestry Association.
 - (4) One member of the Society of American Foresters.
 - (5) One member of the Alabama Farmer's Federation.
 - (6) One member of the Alabama Forest Owners Association.
 - (7) The chair of the Board of Registration for Foresters, or his or her designee.
 - (8) The Dean of the Auburn University School of Forestry, or his or her designee.
 - (9) The Executive Director of the Alabama Forestry Association, or his or her designee.
 - (10) The State Forester, or his or her designee, who shall serve as chair of the committee.
- (b) The first six members who are appointed to the committee shall initially serve two-year terms. At the expiration of the two-year terms, the members will serve staggered three-year terms as designated by the chair of the committee. Each of the members appointed from the association, society, or federation listed in subdivisions (1) through (6) shall be appointed by the Alabama Forestry Commission from a list of three names submitted by the State Forester.
- (c) The committee may establish, by a majority vote, a Forest Education Trust Fund Account. If the account is established, a percentage of the funds collected pursuant to this act to be determined by the committee may be deposited into a Forest Education Trust Fund Account. The remaining funds shall be appropriated from the Alabama Forest Stewardship Education Fund. The principal deposited into the trust account or any interest earned may be used for the purposes set forth in Section 2 pursuant to a majority vote of the committee.

Section 5. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 6. This act shall become effective on the first day of the fourth month next following its passage and approval by the Governor, or its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 70; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Box, Burke, Carothers, Clark (W), Clouse, Collins, Curry, Drake, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (L), Hamilton, Haney, Hawk, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Kennedy, Knight (A), Knight (J), Laird, McAdory, McClammy, McDaniel, McKee, Melton, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Petelos, Reed, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Warren, White and Willis.

-70

And the bill:

H. 390. Providing for distinctive motor vehicle license tags or plates for supporters of Alabama Forests; prescribing the fees for the tags or plates; providing for the establishment of a "Forest Stewardship Education Fund"; providing for the establishment of the "Alabama Forest Stewardship Education Committee"; providing for disposition of the net proceeds from the fees; providing for an expiration date for the tags or plates; and providing for a delayed effective date.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 80; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Box, Burke, Carns, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Drake, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, Melton, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (T), Payne, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Warren, White and Willis.

-80

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Graham, the Budget Isolation Resolution relating to the bill, H. 52, was adopted.

Yeas 60; Nays 3.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Box, Boyd, Burke, Carns, Carothers, Clark (W), Clouse, Crigler, Dolbare, Dukes, Fuller, Galliher, Gipson, Graham, Guin, Hall (A), Hall (L), Haney, Hawk, Hawkins, Hill, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Kennedy, Knight (J), Laird, Letson, Lindsey, Maull, McAdory, McClammy, Minnifield, Mitchell, Morrow, Morton, Papucci, Parker (P), Payne, Reed, Rogers (M), Sims, Smith, Spratt, Starkey, Thomas (J), Townsend, Turner, Vance, Warren and Willis.

-60

Nay:

Representatives Penry, Turnham and White.

- 3

And the bill:

H. 52. To amend Section 16-22-9 of the Code of Alabama 1975, to further provide for the establishment of a sick leave bank plan by an educational authority under certain conditions, and to provide that an employee would be required to be a member of the sick leave bank to donate or receive catastrophic sick leave days.

was taken up.

AMENDMENT OFFERED

Representative Turnham offered the following amendment to the bill, H. 52:

On page 2, line 15, after the word "Science" delete the language "; each two-year postsecondary"

On page 2, delete lines 16 to 18 in their entirety and insert in lieu thereof a period

AMENDMENT TABLED

On motion of Representative Graham, the amendment offered by Representative Turnham to the bill, H. 52, was tabled.

Yeas 44; Nays 19.

Yea:

Representatives Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Clark (W), Clouse, Dolbare, Dukes, Gaines, Galliher, Graham, Hall (A), Hall (L), Haney, Hawk, Hill, Hilliard, Hinshaw, Houston, Jackson, Johnson (E), Johnson (R), Kennedy, Knight (A), Laird, Lindsey, Maull, McClammy, Melton, Mitchell, Morrow, Page, Papucci, Robinson, Spratt, Thomas (J), Townsend, Turner, Vance and Warren.

-44

Nay:

Representatives Carns, Carothers, Crigler, Dean, Flowers, Guin, Hamilton, Hogan, Knight (J), McAdory, McKee, McMillan, Newton (C), Penry, Rogers (J), Seibenhener, Starkey, Turnham and Venable.

-19

S. 245 SUBSTITUTED FOR H. 52

In accordance with House Rule 20 and on motion of Representative Graham, the bill, S. 245, was substituted for the bill, H. 52.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Graham, the Budget Isolation Resolution relating to the bill, S. 245, was adopted.

Yeas 77; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Clouse, Crigler, Curry, Dolbare, Drake, Dukes, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, Melton, Millican, Minnifield, Mitchell, Morrison, Morrow, Morton, Murphree, Page, Papucci, Parker (P), Payne, Petelos, Reed, Robinson, Rogers (M), Sanderson, Sims, Smith, Spratt, Thomas (D), Townsend, Turner, Vance, White, Willis and Wren.

-77

And the bill:

S. 245. To amend Section 16-22-9 of the Code of Alabama 1975, to further provide for the establishment of a sick leave bank plan by an educational authority under certain conditions, and to provide that an employee would be required to be a member of the sick leave bank to donate or receive catastrophic sick leave days.

was taken up.

TIME TO DEBATE EXPIRED

In accordance with the resolution, H.R. 363, the time to debate the bill, S. 245, expired and the Speaker proceeded to the next bill on the Special Order Calendar.

MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Graham, the rules were suspended in order to take up out of order the bill, S. 245.

And the bill, S. 245, was again taken up.

AMENDMENT OFFERED

Representative Turnham offered the following amendment to the bill, S. 245:

On page 2, lines 17 and 18, delete the following language "; each public four-year postsecondary school or college"

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 59; Nays 7.

Yea:

Representatives Allen, Baker, Bandy, Black (L), Box, Burke, Carns, Carothers, Clark (W), Clouse, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hinshaw, Hogan, Hooper, Johnson (E), Jorgensen, Knight (A), Letson, Lindsey, Maul, McKee, Millican, Mitchell, Morrison, Morrow, Murphree, Page, Papucci, Parker (T), Payne, Reed, Robinson, Rogers (M),

Sanderford, Sanderson, Smith, Starkey, Townsend, Turnham, Vance, Venable and Wren.

-59

Nay:

Representatives Black (M), Boyd, Dolbare, Kennedy, McClammy, Minnifield and Parker (P).

- 7

And the bill, S. 245, as amended, was read a third time at length and passed.

Yeas 83; Nays 3.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Flowers, Ford, Gaines, Gaston, Gipson, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Letson, Lindsey, Maull, McClammy, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Page, Papucci, Parker (T), Payne, Petelos, Reed, Robinson, Rogers (J), Rogers (M), Sanderson, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren and Wren.

-83

Nay:

Representatives McKee, Newton (C) and White.

- 3

PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative Graham intended to vote "Yea" on passage of the bill, S. 245, as amended.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Pringle, the Budget Isolation Resolution relating to the bill, H. 858, was adopted.

Yeas 83; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Boyd, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Fuller, Gaines, Gaston, Gipson, Guin, Hall (A), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Letson, Lindsey, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

-83

And the bill:

H. 858. To exempt certain public utility systems formed under Article 10 (commencing with Section 11-50-340) of Chapter 50 of Title 11 of the Code of Alabama 1975, from sales, use, and similar gross receipts taxes; and to provide for retroactive effect to June 29, 1951.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 85; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Fuller, Gaines, Gaston, Gipson, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Letson, Lindsey, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (T), Payne, Penry, Petelos, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren and Wren.

-85

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Starkey, the Budget Isolation Resolution relating to the bill, H. 835, was adopted.

Yeas 79; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Boyd, Burke, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Drake, Dukes, Fuller, Gaines, Gaston, Gipson, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Maull, McAdory, McClammy, McDaniel, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Page, Papucci, Parker (P), Parker (T), Payne, Petelos, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren and Willis.

-79

And the bill:

H. 835. To exempt the Rainbow Omega, Inc., from the payment of all state, county, and municipal sales and use taxes.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 80; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Boyd, Burke, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Gaines, Gaston, Gipson, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Maull, McAdory, McClammy, McDaniel, Melton, Millican, Mitchell, Moore, Morrison, Morton, Murphree, Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren and Willis.

-80

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolution, to-wit:

H.J.R. 337. RELATIVE TO MEETING DAYS.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolution, the title of which is set out in the foregoing Report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills and House Joint Resolutions, to-wit:

H. 576. Relating to Elmore County; authorizing the county commission to establish an animal control program; to provide for the appointment of animal control officers; to provide for the annual licensing of dogs and cats; authorizing the collection of fees to fund the animal control program; providing for the investigation of complaints about dangerous animals; and providing for the responsibility of animal owners for their animals.

Also:

H. 737. To authorize the governing body of the City of Auburn, Alabama, pursuant to Amendment No. 373 to the Constitution of Alabama of 1901, to increase the rate at which there is levied and collected by the said city, on all taxable property situated within the said city, the special ad valorem tax for the support and furtherance of education which is authorized in Amendment No. 8 to the Constitution, to a maximum rate, for any tax year of the said city, which is equal to \$1.10 on each one hundred dollars (11 mills on each dollar) of assessed value.

Also:

H. 773. Relating to the Twenty-First Judicial Circuit of Alabama and the establishment of a Pre-Trial Diversion Program by the District Attorney.

Also:

H. 732. Relating to Walker County; authorizing the district attorney to establish a "Municipal Restitution Recovery Division" within the Office of the District Attorney; providing for collection and enforcement of court orders in certain cases of nonpayment of restitution to victims of crime, court costs, fines, penalty payments, victim compensation assessments, and bond forfeitures in municipal courts; providing a collection fee; providing funding for the Municipal Restitution Recovery Division; and providing for a Circuit Clerk's Fund to assist the clerk in the implementation of this act.

Also:

H. 65. Relating to the Department of Public Safety; to establish the Public Safety Motor Vehicle Replacement Fund to replace the Department of Public Safety law enforcement motor vehicles and to provide for an appropriation to the Department of Public Safety from the Public Safety Motor Vehicle Replacement Fund in the amount of two million dollars (\$2,000,000) for the fiscal year ending September 30, 1996.

Also:

H. 377. To amend Section 41-9-644, Code of Alabama 1975, relating to the inspection of a criminal offender's records in the possession of the Alabama Criminal Justice Information Center, to increase the fee for the inspection.

Also:

H. 401. To amend Section 8-8-11 of the Code of Alabama 1975, to provide that when a partial payment is made on a judgment for child or spousal support, including medical support, the payment shall be applied first to the principal due and the balance of the payment, if any, would be applied to the payment of the interest.

Also:

H. 826. Relating to Shelby County; providing for an additional expense allowance for the tax assessor and tax collector; and providing an expiration date.

Also:

H. 828. Relating to Morgan County; providing for the county commission to reimburse the office of license commissioner for any monetary loss resulting from the performance of official duties for errors, mistakes, or omissions made in good faith, not to exceed a certain maximum per annum; and providing that the funds shall be payable from the county general fund.

Also:

H. 829. Relating to Morgan County; amending Section 3 of Act No. 380, S. 556, 1976 Regular Session (Acts 1976, p. 480), relating to the membership of the Morgan County Board of Education and filling of vacancies on the board; providing that vacancies occurring during the first 16 months of the term of the member shall be filled by election rather than by appointment of the remaining board members; providing for interim appointments; and providing for the effective date.

Also:

H. 849. To alter, rearrange and extend the boundary lines and corporate limits of the Town of Georgiana in Butler County.

Also:

H. 557. Relating to Shelby County; amending Act No. 81-461, H. 933, 1981 Regular Session, to provide further for the collection of the existing sales and use tax.

Also:

H. 591. Relating to Elmore County; to provide for the imposition of fees for fire protection and other related services; to provide for definitions; to provide for eligibility guidelines for receipt of the funds; to provide for the collection and use of the funds; to provide for alteration of fire districts; and to provide for exemptions.

Also:

H. 831. Relating to redeeming lands for taxes in Pike County, Alabama.

Also:

H.J.R. 343. COMMENDING BILLY JOE THROWER OF MADISON COUNTY AS A FIRST RECIPIENT OF THE ALABAMA LEGISLATURE LAW ENFORCEMENT MEDAL.

Also:

H.J.R. 344. COMMENDING EARNEST IVY EVANS OF CAMDEN, ALABAMA, AS A FIRST RECIPIENT OF THE ALABAMA LEGISLATURE LAW ENFORCEMENT MEDAL.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILLS AND HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills and the House Joint Resolutions, the titles of which are set out in the foregoing Report of the Standing Committee on Rules.

SPECIAL ORDER CALENDAR RESUMED

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Hall (A), the Budget Isolation Resolution relating to the bill, H. 610, was adopted.

Yeas 66; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Boyd, Buskey, Carns, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Drake, Gaines, Gaston, Gipson, Guin, Hall (A), Hammett, Hawk, Hawkins, Hayden, Hill, Hinshaw, Hogan, Houston, Jackson, Jorgensen, Kennedy, Knight (A), Knight (J), Layson, Letson, Lindsey, Maull, McAdory, McClammy, Melton, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Spratt, Starkey, Townsend, Vance, Venable and Willis.

-66

And the bill:

H. 610. (With Amendment): To amend Section 11-43-143 of the Code of Alabama 1975, relating to employee organizations of firefighters to provide a procedure for a written response from the employing governing body to proposals from firefighters.

was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on State Administration, said committee amendment being as follows:

Amend House Bill 610 on Page 3, line 2, by deleting the underlined language No response and inserting in lieu thereof the following: Responses

Further amend House Bill 610 on Page 3, line 3, by inserting after the word "shall" the following: not

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 71; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Box, Boyd, Burke, Buskey, Carns, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Gaines, Gaston, Gipson, Guin, Hall (A), Hammett, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Jorgensen, Kennedy, Knight (A), Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, Melton, Millican, Moore, Morrison, Morrow, Morton, Murphree, Page, Papucci, Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Townsend, Turner, Vance, Venable and Willis.

-71

And the bill:

H. 610. To amend Section 11-43-143 of the Code of Alabama 1975, relating to employee organizations of firefighters to provide a procedure for a written response from the employing governing body to proposals from firefighters.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 68; Nays 1.

Yea:

Mr. Speaker, Allen, Bandy, Black (M), Box, Boyd, Burke, Buskey, Carns, Clark (W), Clouse, Crigler, Dean, Dolbare, Gaines, Gaston, Gipson, Guin, Hall (A), Hammett, Hawk, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Kennedy, Knight (A), Knight (J), Laird, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Page, Papucci, Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Townsend, Turner, Vance, Venable and Willis.

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Nay:

Representative Haney.

- 1

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 800. To provide for the implementation of a constitutional amendment authorizing the county commission to regulate the operation of bingo in Houston County, Alabama.

Also:

H. 454. To exempt Habitat for Humanity Organizations and West Alabama Youth Services, Inc., (WAYS) from the payment of all state, county, and municipal sales and use taxes and to exempt all property owned and used by these organizations from any state, county, and local ad valorem taxes.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the foregoing Report of the Standing Committee on Rules.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 679. To authorize and adopt a voluntary public-private non-profit partnership or trust agreement proposed by The Citizenship Trust; to enhance and expand citizenship education of young people; and to provide for the purposes, member parties, organization, structure, incorporation, non-profit status, powers; tax exemption from state and local taxes.

And finds same correctly enrolled with Executive Amendment.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Report of the Standing Committee on Rules.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 539. To amend Section 40-14-41, Code of Alabama 1975, to clarify that Generally Accepted Accounting Principles are to be used in determining the useful life of assets and in calculating "total capital" unless otherwise provided; to provide for the exclusion from the franchise tax base of corporations operating in Alabama of certain investments in certain foreign subsidiaries not operating in Alabama; and to provide a retroactive effective date.

Also:

H. 101. Relating to Chilton County; providing for an additional expense allowance and salary for the sheriff, and for the expiration of the expense allowance.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the foregoing Report of the Standing Committee on Rules.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 830. To propose a local constitutional amendment to the Constitution of Alabama of 1901, to provide that the Legislature may, by local law, provide for the manner of filling vacancies on the Morgan County Board of Education.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Report of the Standing Committee on Rules.

SPECIAL ORDER CALENDAR RESUMED

BUDGET ISOLATION RESOLUTION OFFERED

Representative Carns offered the motion to adopt the Budget Isolation Resolution relating to the bill, H. 628.

MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Turner, the rules were suspended in order to take up out of order the Budget Isolation Resolution and the bill, H. 848.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Curry, the Budget Isolation Resolution relating to the bill, H. 848, was adopted.

Yeas 84; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Buskey, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Fuller, Gaines, Gaston, Gipson, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Page, Papucci,

Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Vance, Venable, Warren, Willis and Wren.

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And the bill:

H. 848. (With Amendment): To create the Alabama Drug Education and Awareness Oversight Council; to provide for membership, powers, and functions of the council; to provide for grants for drug education and awareness programs from state appropriations; and to provide for assistance to the council.

was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

Amend H. 848 on Page 2, line 8 by deleting the following language: "fifteen"

And by substituting in lieu thereof: "sixteen"

Further amend the bill on Page 3, line 6 by adding the following:

"(13) The Director of the Court Referral Officer section responsible for the Mandatory Treatment Program of the Administrative Office of Courts."

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 87; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Venable, Warren and White.

-87

And the bill:

H. 848. To create the Alabama Drug Education and Awareness Oversight Council; to provide for membership, powers, and functions of the council; to provide for grants for drug education and awareness programs from state appropriations; and to provide for assistance to the council.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 87; Nays 1.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Fuller, Gaines, Galliher, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Houston, Johnson (E), Johnson (R), Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Venable, Warren and White.

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Nay:

Representative Payne.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 149. To amend Section 11-52-77 of the Code of Alabama 1975, so as to provide an alternative procedure which could be used by municipal governing bodies in adopting zoning ordinances or amendments thereto.

McDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Presiding Officer of the Senate having signed the following Senate Bill, your signature thereto is requested:

S. 482. To amend Sections 40-5-44, 40-10-1, 40-10-2, 40-10-9, 40-10-10, 40-10-11, 40-10-19, 40-10-129 and 40-10-134 of the Code of Alabama 1975, relating to sales of lands for uncollected taxes on the lands; to provide for tax lien sales and to prescribe procedures relating to tax lien sales; to provide for counties to issue tax lien certificates for certain fees on the lands which have been sold at certain sales to individuals; to prescribe the significance of and authority associated with a tax lien certificate; to provide for payment of taxes on lands purchased at tax lien sales by holders of tax lien certificates; to provide for distribution of monies received from tax lien sales and to provide for certain redemption procedures.

McDOWELL LEE
Secretary

SIGNING OF SENATE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Message from the Senate.

MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Fuller, the rules were suspended in order to take up out of order the Budget Isolation Resolution and the bill, H. 258.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Curry, the Budget Isolation Resolution relating to the bill, H. 258, was adopted.

Yeas 88; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clouse, Collins, Crigler, Dean, Dolbare, Drake, Dukes, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L),

Hamilton, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Smith, Spratt, Starkey, Thomas (D), Townsend, Turnham, Vance, Warren and White.

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And the bill:

H. 258. (With Substitute): To make an appropriation of \$543,253 from the Alabama Special Educational Trust Fund to the Project DARE and the DON'T-Madison County drug education programs for the fiscal year ending September 30, 1996, and to require an operations plan and audited financial statement prior to release of any funds.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To make an appropriation of \$743,253 from the Alabama Special Educational Trust Fund to the Alabama Drug Education and Awareness Oversight Council for drug education programs for the fiscal year ending September 30, 1996; to make a conditional appropriation of \$100,000 for the fiscal year ending September 30, 1996, from the Alabama Special Educational Trust Fund to Alabama Drug Education and Awareness Oversight Council; and to require an operations plan and audited financial statement prior to release of any funds.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. There is hereby appropriated for the fiscal year ending September 30, 1996, the sum of \$743,253 out of the funds in the Alabama Special Educational Trust Fund to the Alabama Drug Education and Awareness Oversight Council to be used for the support and maintenance of drug education programs.

Section 2. In addition to the funds appropriated in Section 1, there is conditionally appropriated for the fiscal year ending September 30, 1996, an additional sum of \$100,000 out of funds in the Alabama Special Educational Trust Fund to the Alabama Drug Education and Awareness Oversight Council to be

used for support and maintenance of drug education programs conditioned on the availability of funds in the Alabama Special Educational Trust Fund, the recommendation of the Finance Director, and the approval of the Governor.

Section 3. The above appropriated funds are to be expended for instruction and materials related to drug education in the public schools in accordance with the provisions of an act passed by the Legislature that establishes the Alabama Drug Education and Awareness Oversight Council.

Section 4. Prior to release of any funds appropriated under this bill for fiscal year 1995-96, an operations plan for fiscal year 1995-96 and an audited financial statement for all operations during fiscal year 1993-94 must be forwarded to the Director of Finance. It is the intent to release fiscal year 1995-96 funds following receipt of these reports.

Section 5. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part that remains.

Section 6. This act shall become effective on October 1, 1995.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 87; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Warren and White.

-87

And the bill:

H. 258. To make an appropriation of \$743,253 from the Alabama Special Educational Trust Fund to the Alabama Drug Education and Awareness Oversight

Council for drug education programs for the fiscal year ending September 30, 1996; to make a conditional appropriation of \$100,000 for the fiscal year ending September 30, 1996, from the Alabama Special Educational Trust Fund to Alabama Drug Education and Awareness Oversight Council; and to require an operations plan and audited financial statement prior to release of any funds.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 91; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Venable, Warren and White.

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MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Fuller, the rules were suspended in order to take up out of order the Budget Isolation Resolution and the bill, H. 243.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Fuller, the Budget Isolation Resolution relating to the bill, H. 243, was adopted.

Yeas 92; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory,

McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Moore, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Willis.

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And the bill:

H. 243. (With Substitute): To make an appropriation of \$1,804,678 from the Alabama Special Educational Trust Fund for the support and maintenance of the Special Schools for Special Education for the fiscal year ending September 30, 1996 and, to require an operations plan and audited financial statement prior to release of any funds.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To make an appropriation of \$1,300,000 from the Education Trust Fund to be distributed by the Joint Fiscal Committee for the support and maintenance of certain special schools for special education for the fiscal year ending September 30, 1996.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. There is hereby appropriated for the fiscal year ending September 30, 1996, the sum of \$1,300,000, out of the funds in the Education Trust Fund to the Joint Fiscal Committee to be used for the support and maintenance of certain special schools for special education.

Section 2. Prior to release of any funds appropriated under this bill for fiscal year 1995-96, the Joint Fiscal Committee shall develop standards and criteria for the evaluation of public and private special education programs applying for the state funds appropriated by this act. Such criteria shall include an equitable local matching funds requirement. The standards and criteria shall be developed and the distribution formula implemented pursuant to the House Joint Resolution adopted in the 1995 Regular Session directing the Joint Fiscal Committee to develop such procedures.

Section 3. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part that remains.

Section 4. This act shall become effective on October 1, 1995.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 94; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Moore, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Willis.

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And the bill:

H. 243. To make an appropriation of \$1,300,000 from the Education Trust Fund to be distributed by the Joint Fiscal Committee for the support and maintenance of certain special schools for special education for the fiscal year ending September 30, 1996.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 94; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Jackson, Johnson (E),

Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Moore, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Willis.

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**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 390. Providing for distinctive motor vehicle license tags or plates for supporters of Alabama Forests; prescribing the fees for the tags or plates; providing for the establishment of a "Forest Stewardship Education Fund"; providing for the establishment of the "Alabama Forest Stewardship Education Committee"; providing for disposition of the net proceeds from the fees; providing for an expiration date for the tags or plates; and providing for a delayed effective date.

TOMMY CARTER
Chairman

And the bill, H. 390, as engrossed, was ordered sent to the Senate.

MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Fuller, the rules were suspended in order to take up out of order the Budget Isolation Resolution and the bill, S. 338.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Fuller, the Budget Isolation Resolution relating to the bill, S. 338, was adopted.

Yeas 91; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

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And the bill:

S. 338. Relating to the offenses of driving a vehicle while under the influence of alcohol or a controlled substance; to amend Section 32-5A-191, Code of Alabama 1975 so as to increase the fines for such offenses and to lower the blood alcohol level at or above which a person is prohibited from operating a motor vehicle from 0.10 to 0.08; providing for the distribution of the additional fines; providing for the creation of the Alabama Chemical Testing Training and Equipment Trust Fund Advisory Board and the Alabama Chemical Testing Training and Equipment Trust Fund; providing for the composition and duties of the board; and appropriating \$900,000 from the Alabama Chemical Testing Training and Equipment Trust Fund to the Department of Forensic Sciences for the fiscal year ending September 30, 1996.

was taken up.

SUBSTITUTE OFFERED

Representative Fuller offered the following substitute to the bill, S. 338:

A BILL TO BE ENTITLED AN ACT

Relating to the offenses of driving a vehicle while under the influence of alcohol or a controlled substance; to amend Section 32-5A-191, Code of Alabama 1975 so as to increase and provide for distribution of the fines for such offenses; providing for the creation of the Alabama Chemical Testing Training and Equipment Trust Fund Advisory Board and the Alabama Chemical Testing Training and Equipment Trust Fund; providing for the composition and duties of the board; and appropriating \$900,000 from the Alabama Chemical Testing Training and Equip-

ment Trust Fund to the Department of Forensic Sciences for the fiscal year ending September 30, 1996.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The Legislature finds, determines, and declares the following:

(1) Driving a vehicle while under the influence of alcohol or a controlled substance continues to be a major problem on the highways of our state and causes the death or injury of thousands of our citizens each year.

(2) The Legislature should use whatever authority is available to it to discourage driving a vehicle while under the influence of alcohol or a controlled substance, including the levying of fines therefor at a level which will discourage such activity.

(3) Administering and implementing a quality chemical testing program for alcohol and controlled substances is costly for the taxpayers and thus the convicted offender should bear a greater portion of the financial burden of the chemical testing program at the state and local level.

(4) The chemical breath testing program conducted by this state has reduced the number of deaths and injuries, and the program continues to be the most effective and the most efficient scientific method to accurately determine if a driver has too much alcohol or a controlled substance in his or her system which would affect his or her ability to safely operate a motor vehicle.

(5) The accuracy and reliability of the chemical testing procedures must be beyond reasonable doubt since a defendant may be convicted under this act if the prosecuting attorney introduces a chemical test showing blood alcohol content of 0.10 percent or more.

(6) The Alabama Department of Forensic Sciences has properly upgraded the rules and regulations for breath testing to further insure that all tests meet scientific standards for accuracy and reliability as defined by the Supreme Court of Alabama in the case of Mayo v. City of Madison, SC #1921892 (1994).

(7) The Alabama Department of Forensic Sciences and the Alabama Department of Public Safety, without designated funding, have managed, supervised, and conducted all necessary training and in further partnership with city and county law enforcement officers, successfully implemented the breath testing program as required by legislative mandate and in accordance with all court rulings.

(8) The needs of the breath testing program are and should be intimately affected with the public interests.

(9) This act should be liberally construed to accomplish its purposes and to promote the policies contained therein which are declared to be the public policy of this state.

Section 2. Section 32-5A-191 of the Code of Alabama 1975 is hereby amended to read as follows:

"§32-5A-191.

(a) A person shall not drive or be in actual physical control of any vehicle while:

(1) There is 0.10 percent or more by weight of alcohol in his or her blood;

(2) Under the influence of alcohol;

(3) Under the influence of a controlled substance to a degree which renders him or her incapable of safely driving;

(4) Under the combined influence of alcohol and a controlled substance to a degree which renders him or her incapable of safely driving; or

(5) Under the influence of any substance which impairs the mental or physical faculties of such person to a degree which renders him or her incapable of safely driving.

(b) The fact that any person charged with violating this section is or has been legally entitled to use alcohol or a controlled substance shall not constitute a defense against any charge of violating this section.

(c) Upon first conviction, a person violating this section shall be punished by imprisonment in the county or municipal jail for not more than one year, or by fine of not less than ~~two hundred fifty dollars (\$250)~~ five hundred dollars (\$500) nor more than ~~one thousand dollars (\$1,000)~~ two thousand dollars (\$2,000), or by both such fine and imprisonment. In addition, on a first conviction, the Director of Public Safety shall suspend the driving privilege or driver's license of the person so convicted for a period of 90 days.

(d) On a second conviction within a five-year period, a person convicted of violating this section shall be punished by a fine of not less than ~~five hundred dollars (\$500)~~ one thousand dollars (\$1,000) nor more than ~~two thousand five hundred dollars (\$2,500)~~ five thousand dollars (\$5,000) and by imprisonment, which may include hard labor in the county or municipal jail for not more than one year. The sentence shall include a mandatory sentence, which is not subject to suspension or probation, of imprisonment in the county or municipal jail for not less than 48 consecutive hours or community service for not less than 20 days. In addition the Director of Public Safety shall revoke the driving privileges or driver's license of the person so convicted for a period of one year.

(e) On a third conviction within a five-year period, a person convicted of violating this section shall be punished by a fine of not less than ~~one thousand dollars (\$1,000)~~ two thousand dollars (\$2,000) nor more than ~~five thousand dollars (\$5,000)~~ ten thousand dollars (\$10,000) and by imprisonment, which may include hard labor, in the county or municipal jail for not less than 60 days nor more than one year, to include a minimum of 60 days which shall be served in the county or municipal jail and cannot be probated or suspended. In addition, the Director of Public Safety shall revoke the driving privilege or driver's license of the person so convicted for a period of three years.

(f) On a fourth or subsequent conviction within a five-year period, a person convicted of violating this section shall be guilty of a Class C felony and punished by a fine of not less than ~~two thousand dollars (\$2,000)~~ four thousand dollars (\$4,000) nor more than ~~five thousand dollars (\$5,000)~~ ten thousand dollars (\$10,000) and by imprisonment of not less than one year and one day nor more than 10 years. Any term of imprisonment may include hard labor for the county or state, and where imprisonment does not exceed three years confinement may be in the county jail. Where imprisonment does not exceed one year and one day, confinement shall be in the county jail. The minimum sentence shall include a term of imprisonment for at least one year and one day which may be suspended or probated, but only if the defendant enrolls and successfully completes a state certified chemical dependency program recommended by the court referral officer and approved by the sentencing court. Where probation is granted, the sentencing court may, in its discretion, and where monitoring equipment is available, place the defendant on house arrest under electronic surveillance during the probationary term. In addition to the other penalties authorized, the Director of Public Safety shall revoke the driving privilege or driver's license of the person so convicted for a period of five years.

Any law to the contrary notwithstanding, the Alabama habitual felony offender law shall not apply to a conviction of a felony pursuant to this subsection, and a conviction of a felony pursuant to this subsection shall not be a felony conviction for purposes of the enhancement of punishment pursuant to Alabama's habitual felony offender law.

(g) In addition to the penalties provided herein, any person convicted of violating this section shall be referred to the court referral officer for evaluation and referral to appropriate community resources. The defendant shall, at a minimum, be required to complete a DUI or substance abuse court referral program approved by the Administrative Office of Courts and operated in accordance with provisions of the Mandatory Treatment Act of 1990, Sections 12-23-1 to 12-23-19, inclusive. The Department of Public Safety shall not reissue a driver's license to a person convicted under this section without receiving proof that the defendant has successfully completed the required program.

(h) Neither reckless driving nor any other traffic infraction is a lesser included offense under a charge of driving under the influence of alcohol or of a controlled substance.

~~(i) Fines collected for violations of this section shall be paid to the State General Fund except fines collected for violations of this section charged pursuant to a municipal ordinance which shall be distributed to the general fund of the municipality. Except for fines collected for violations of this section charged pursuant to a municipal ordinance, fines collected for violations of this section shall be deposited to the State General Fund; however, beginning October 1, 1995, of any amount collected over \$250 for a first conviction, over \$500 for a second conviction within five years, over \$1,000 for a third conviction within five years and over \$2,000 for a fourth or subsequent conviction within five years, the first one hundred dollars (\$100) of that additional amount shall be deposited to the Alabama Chemical Testing Training and Equipment Trust Fund after three percent of the one hundred dollars (\$100) is deducted for administrative costs, and the remainder shall be deposited to the State General Fund. Fines collected for violations of this section charged pursuant to a municipal ordinance shall be deposited as follows: the first \$250 collected for a first conviction, the first \$500 collected for a second conviction within five years, the first \$1,000 collected for a third conviction within five years and the first \$2,000 collected for a fourth or subsequent conviction within five years shall be deposited to the general fund of the municipality; any amounts collected over these amounts shall be deposited to the State General Fund until October 1, 1995; however, beginning October 1, 1995, of any amount collected over these amounts, the first one hundred dollars (\$100) of that additional amount shall be deposited to the Alabama Chemical Testing Training and Equipment Trust Fund after three percent of the one hundred dollars (\$100) is deducted for administrative costs, and the remainder shall be deposited to the State General Fund.~~

(j) A person who has been arrested for violating this section shall not be released from jail under bond or otherwise, until there is less than the same percent by weight of alcohol in his or her blood as specified in subsection (a) (1) hereof.

(k) Upon verification that a defendant arrested pursuant to this section is currently on probation from another court of this state as a result of a conviction for any criminal offense, the prosecutor shall provide written or oral notification of the defendant's subsequent arrest and pending prosecution to the court in which the prior conviction occurred."

Section 3. (a) There is hereby established a special fund in the State Treasury, to be known as the Alabama Chemical Testing Training and Equipment Trust Fund.

(b) Money in the fund at the end of the fiscal year shall remain in the fund, and shall not revert to the General Fund. However, no funds shall be withdrawn or expended except as budgeted and allotted according to law and only in the amounts authorized by the Legislature in the general appropriation bill or other appropriation bills.

Section 4. (a) There is created the Alabama Chemical Testing Training and Equipment Trust Fund Advisory Board to be appointed as follows:

(1) The President of the Alabama Sheriffs' Association shall appoint one sheriff.

(2) The Alabama Association of Chiefs of Police shall appoint one police chief from a city of less than 25,000 population and one police chief from a city of greater than 25,000 population according to the last federal census.

(3) The Alabama Attorney General shall appoint one prosecutor.

(4) The Chief Justice of the Alabama Supreme Court shall appoint one district or municipal judge and one circuit judge.

(5) The Governor shall appoint one citizen at large.

(6) The Lieutenant Governor shall appoint one member of the Alabama Senate.

(7) The Speaker of the House of Representatives shall appoint one member of the House of Representatives.

(8) The Technical Director, Implied Consent Program, Department of Forensic Sciences, and the Commander, Implied Consent Unit, Department of Public Safety, shall serve on the advisory board by virtue of their departmental assignments.

(b) The first appointees shall be appointed within 60 days of this act becoming law and shall serve until their successors are appointed on the fifth day of the 1999 Regular Session of the Legislature. In the event of the death or resignation of any member of the advisory board, a successor shall be appointed by the person or entity that made the original appointment and the successor appointed to the vacancy shall serve for the remainder of the unexpired term. Subsequent appointments to the board shall be for four-year terms. The board shall elect from its membership a chair and vice chair at an organizational meeting held no later than 30 days after appointments to the board are finalized. Thereafter, the board shall meet at the call of the chair, vice chair, or upon the request of five or more members, with notice and procedure as prescribed by the rules of the board. The body may adopt administrative rules for transacting business that are consistent with this act.

(c) A majority of the members of the board shall constitute a quorum for transacting business or performing any duties.

Section 5. The Alabama Chemical Testing Training and Equipment Advisory Board shall develop, and if appropriate, periodically revise, a recommended list of priorities and criteria for disbursement of monies in the Alabama Chemical Testing Training and Equipment Trust Fund. The advisory board shall provide its recommendations for disbursement, on an annual basis, to the Governor, Lieutenant Governor, Attorney General, Speaker of the House,

Director of the Department of Forensic Sciences, Director of the Department of Public Safety, the Executive Director of the Alabama Chiefs of Police Association, the Executive Director of the Alabama Sheriffs' Association, the Executive Director of the Office of Prosecution Services, the Chief Justice of the Alabama Supreme Court and to the Executive Secretary of the Peace Officers' Standards and Training Commission. Money in the fund shall be used only to administer the fund, to purchase and maintain chemical testing equipment for city, county, or state law enforcement agencies in this state, to provide training to law enforcement personnel of this state in the use of that chemical testing equipment, to pay the costs of the Implied Consent Unit in the Department of Public Safety, to pay the costs of the Implied Consent Program in the Department of Forensic Sciences, and to support the activities of the board.

Section 6. The Director of the Department of Forensic Sciences shall administer the Alabama Chemical Testing Training and Equipment Trust Fund in accordance with the recommended list of priorities and criteria for disbursement as published by the Alabama Chemical Testing Training and Equipment Advisory Board.

Section 7. There is hereby appropriated the sum of nine hundred thousand dollars (\$900,000) from the Alabama Chemical Testing Training and Equipment Trust Fund to the Alabama Department of Forensic Sciences for the fiscal year ending September 30, 1996.

Section 8. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 9. This act shall be broadly construed and, if necessary, reconstrued to make its provisions constitutional.

Section 10. All laws or parts of laws which conflict with this act are hereby repealed.

Section 11. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 91; Nays 2.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Boyd, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers,

Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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Nay:

Representatives Buskey and Townsend.

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And the bill, S. 338, as amended, was read a third time at length and passed.

Yeas 89; Nays 2.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Drake, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

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Nay:

Representatives Buskey and Dolbare.

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REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 610. To amend Section 11-43-143 of the Code of Alabama 1975, relating to employee organizations of firefighters to provide a procedure for a written response from the employing governing body to proposals from firefighters.

TOMMY CARTER
Chairman

And the bill, H. 610, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 754. To amend Section 22-21-265 of the Code of Alabama 1975, relating to the certificate of need process for new institutional health services and providing an exemption for an increase in the bed number by a skilled nursing facility or intermediate care facility under certain conditions; to ratify certain actions taken by the State Health Planning and Development Agency; and to specify rounding of certain occupancy rates to the nearest whole number.

Also:

H. 625. To amend Section 40-14-41, Code of Alabama 1975, relating to foreign corporation franchise tax; to provide an exclusion for banks and bank holding companies for investments in the capital of a foreign corporation that does not pay a franchise tax to the State of Alabama where the bank or bank holding company owns more than 50 percent of the stock of the corporation; and to provide for a retroactive effective date.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the foregoing Report of the Standing Committee on Rules.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 691. To amend the Highway Beautification Act by amending Section 23-1-280 of the Code of Alabama 1975, relating to the payment for the removal of nonconforming signs adjacent to a highway under certain circumstances; to provide that the owner of a lawfully erected sign would be paid monetary just compensation; to provide that payment would be pursuant to eminent domain; and to provide that amortization would not apply; by amending Section 23-1-274(1)a of the Code of Alabama 1975, relating to the size of sign faces; to reduce the maximum square footage allowed on a sign face for sign structures erected after July 15, 1995; to exclude embellishments and cut-out extensions from the square footage calculation for sign structures erected after July 15, 1995; by amending Section 23-1-274(1)c of the Code of Alabama 1975, relating to number of faces allowed per sign structure; to disallow double-faced sign structures for sign structures erected after July 15, 1995; to eliminate the square footage allowance for double-face sign structures for sign structures erected after July 15, 1995; by amending Section 23-1-274(3)c.3 of the Code of Alabama 1975, relating to spacing of sign structures along primary highways located outside the zoning authority of incorporated cities; to increase the minimum spacing from 300 to 500 feet for such sign structures erected after July 15, 1995; by amending Section 23-1-274(3)c.4 of the Code of Alabama 1975, relating to spacing of sign structures along primary highways located within the zoning authority of incorporated cities; to increase the minimum spacing from 100 to 500 feet for such sign structures erected after July 15, 1995.

Also:

H. 149. To amend Section 11-52-77 of the Code of Alabama 1975, so as to provide an alternative procedure which could be used by municipal governing bodies in adopting zoning ordinances or amendments thereto.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the foregoing Report of the Standing Committee on Rules.

MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Fuller, the rules were suspended in order to take up out of order the Budget Isolation Resolution and the bill, H. 263.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Knight (J), the Budget Isolation Resolution relating to the bill, H. 263, was adopted.

Yeas 92; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Letson, Lindsey, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

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RESOLUTIONS

The following resolutions were introduced and distributed according to Joint Rule 11:

By Representative Smith:

H.R. 364. COMMENDING ALVIN ELLISON FOR OUTSTANDING SERVICE TO THE CHILTON COUNTY RESCUE SQUAD AND TO THE COMMUNITY.

Also:

By Representative Clark (W):

H.R. 365. RECOGNIZING MR. CHARLES PHARR, THE PRESIDENT OF THE ALABAMA ASSOCIATION OF HOUSING AND REDEVELOPMENT AUTHORITIES.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the House amendment to the following Senate Bill:

S. 245. To amend Section 16-22-9 of the Code of Alabama 1975, to further provide for the establishment of a sick leave bank plan by an educational authority under certain conditions, and to provide that an employee would be required to be a member of the sick leave bank to donate or receive catastrophic sick leave days.

McDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Presiding Officer of the Senate having signed the following Senate Joint Resolutions, your signature thereto is requested:

S.J.R. 121. COMMENDING MR. SHELTON HAWSEY FOR OUTSTANDING EFFORTS IN THE 4-H FORESTRY JUDGING CONTEST.

Also:

S.J.R. 122. COMMENDING MR. TONY DOZIER FOR OUTSTANDING EFFORTS IN THE 4-H FORESTRY JUDGING CONTEST.

Also:

S.J.R. 123. COMMENDING THE BIRMINGHAM SOUTHERN COLLEGE BASKETBALL TEAM FOR OUTSTANDING ACCOMPLISHMENT.

Also:

S.J.R. 124. HONORING LEIGH SHERER, MISS ALABAMA 1995.

Also:

S.J.R. 125. COMMENDING BOBBY D. JONES ON HIS RETIREMENT FROM TALLAPOOSA RIVER ELECTRIC COOPERATIVE.

Also:

S.J.R. 126. COMMENDING DAVID D. ROBERTS, JR., OF MOBILE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT AND SERVICE TO THE MOBILE COMMUNITY.

Also:

S.J.R. 127. CONGRATULATING MR. THOMAS J. LINDLEY, III, ON BEING NAMED EDITOR OF HIS HOMETOWN NEWSPAPER, THE JEFFERSONVILLE EVENING NEWS.

Also:

S.J.R. 128. COMMENDING BILL INGRAM ON HIS RETIREMENT FROM THE BIRMINGHAM POST-HERALD.

Also:

S.J.R. 129. CONGRATULATING MAHALA ASHLEY DICKERSON AS RECIPIENT OF THE MARGARET BRENT WOMEN LAWYERS OF ACHIEVEMENT AWARD.

Also:

S.J.R. 130. HONORING MR. CHARLES PHARR FOR OUTSTANDING ACCOMPLISHMENTS.

Also:

S.J.R. 132. DESIGNATING S. 74 THE DEBORAH K. MILLER ACT.

Also:

S.J.R. 133. URGING THE ALABAMA U. S. CONGRESSIONAL DELEGATION TO VIGOROUSLY FIGHT TO RESTORE FUNDING TO MARSHALL SPACE FLIGHT CENTER IN HUNTSVILLE, ALABAMA.

Also:

S.J.R. 134. HONORING MS. OLA MAE SANDERS OF BAY MINETTE, ALABAMA, ON THE OCCASION OF HER 74TH BIRTHDAY, JULY 28, 1995.

Also:

S.J.R. 135. DESIGNATING PORTIONS OF NORTH ALABAMA AS "THE TRAIL OF TEARS CORRIDOR OF NORTH ALABAMA" IN AN EFFORT TO COMMEMORATE THE MANY NATIVE AMERICANS WHO DIED AND/OR WERE REMOVED TO INDIAN TERRITORY DURING THE HISTORIC PERIOD KNOWN IN THE SOUTHEAST AS "THE INDIAN REMOVAL."

McDOWELL LEE
Secretary

SIGNING OF SENATE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolutions, the titles of which are set out in the foregoing Message from the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 258. To make an appropriation of \$743,253 from the Alabama Special Educational Trust Fund to the Alabama Drug Education and Awareness Oversight Council for drug education programs for the fiscal year ending September 30, 1996; to make a conditional appropriation of \$100,000 for the fiscal year ending September 30, 1996, from the Alabama Special Educational Trust Fund to Alabama Drug Education and Awareness Oversight Council; and to require an operations plan and audited financial statement prior to release of any funds.

TOMMY CARTER
Chairman

And the bill, H. 258, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 243. To make an appropriation of \$1,300,000 from the Education Trust Fund to be distributed by the Joint Fiscal Committee for the support and maintenance of certain special schools for special education for the fiscal year ending September 30, 1996.

TOMMY CARTER
Chairman

And the bill, H. 243, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 848. To create the Alabama Drug Education and Awareness Oversight Council; to provide for membership, powers, and functions of the council; to provide for grants for drug education and awareness programs from state appropriations; and to provide for assistance to the council.

TOMMY CARTER
Chairman

And the bill, H. 848, as engrossed, was ordered sent to the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 751. Relating to the disposition of surplus personal property owned by the Alabama State Department of Transportation; to provide that the Alabama Department of Transportation may promulgate administrative rules and regulations for the disposition of the surplus personal property of the department; to provide that the Department of Transportation may sell surplus personal property at fair market value to incorporated cities, counties, volunteer fire departments, boards of education, civil defense agencies, or state departments, boards, bureaus, commissions, or agencies; to provide that the Department of Transportation shall make available surplus personal property for inspection and publish a list of all surplus personal property available to sell by the Department of Transportation; to provide for the disposition of all surplus personal property owned by the Department of Transportation with the exception of property the disposal of which is otherwise provided for by law or which, by nature, is incapable of sale by auction or bid shall be let by free and open competitive public auction or sealed bids; to provide for advertisement of the auction; to provide for certain rules and regulations concerning bidding; to provide for the method of payment for the surplus personal property sold; to provide for the disposition of the proceeds of the sales of surplus personal property; to provide that no officer or employee of the state or any of its departments, boards, commissions, institutions, corporations, or agencies shall act as an agent for any bidder; and to provide for an effective date.

McDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 749. Relating to county roads; to establish the Rural Access Program; to provide definitions; to describe the sources of revenue for the program; to provide the distribution and appropriation of revenues for the Rural Access Program; to provide for the use of the funds; to provide that appropriations for the Rural Access Program are capital outlay appropriations; to provide that Rural Access Program Funds shall be matched by county funds and that they may be used for a portion of the county matching share of any federally funded county projects; to provide for obligation limitations; to provide that the Transportation Director shall have sole authority to promulgate rules and regulations for the operation of the Rural Access Program; to provide that the Department of Transportation shall specify design criteria for county projects; to provide that county projects shall be approved by the Department of Transportation; to provide that any county eligible for aid under this act shall have a professional licensed county engineer; to provide that the county shall furnish project design, supervision of construction, and acquisition of right-of-way for county projects at the expense of the county; to provide that county projects shall be let to contract by the Department of Transportation; to provide that unobligated funds shall revert and be redistributed to other counties at the end of a three fiscal year period; to provide that any county road projects constructed pursuant to this act shall be maintained by the county and shall meet maintenance standards established by the Department of Transportation or further funding pursuant to this act shall be withheld; to provide that if a house bill whose purpose is to strengthen gasoline and motor fuel tax laws to eliminate fuel tax evasion does not become law, this act shall not become effective.

McDOWELL LEE
Secretary

H. 263 TAKEN UP

And the bill:

H. 263. (With Substitute): To make an appropriation of \$24,440 from the Alabama Special Educational Trust Fund to three YMCA programs and one Boys and Girls Club program for the fiscal year ending September 30, 1996, and requires an operations plan and audited financial statement prior to release of any funds.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To make an appropriation of \$114,044 from the Education Trust Fund to certain YMCA programs and Boys and Girls Club programs for the fiscal year ending September 30, 1996, and requires an operations plan and audited financial statement prior to release of any funds.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. There is hereby appropriated for the fiscal year ending September 30, 1996 from the Education Trust Fund the sum of \$114,044 to the following entities in the following amounts:

a. Benjamin Barnes YMCA, Tuscaloosa.....	\$8,146
b. Cleveland Avenue, Montgomery YMCA.....	\$8,146
c. Western Area Family Branch YMCA, Birmingham (formerly Fourth Avenue YMCA).....	\$8,146
d. Northeast Birmingham YMCA.....	\$8,146
e. Boys and Girls Club of Central Alabama, Inc. - Hueytown Unit.....	\$8,146
f. West End Youth and Sports Association.....	\$8,146
g. Houston Hawk Boys Club.....	\$8,146
h. Northwest Alabama Boys and Girls Club.....	\$8,146
i. Boys and Girls Club of Lee County.....	\$8,146
j. Boys and Girls Club of Daphne, AL.....	\$8,146
k. Dearborn Street YMCA, Mobile, AL.....	\$8,146
l. West Alabama Boys and Girls Club.....	\$8,146
m. Boys and Girls Club of Huntsville Madison County, Alabama.....	\$8,146
n. Kershaw YMCA of Montgomery, Ala.....	\$8,146

Section 2. Prior to release of any funds appropriated under this bill for fiscal year 1995-96, an operations plan for fiscal year 1995-96 and an audited financial statement for all operations during fiscal year 1993-94 must be forwarded to the Director of Finance. It is the intent to release fiscal year 1995-96 funds following receipt of these reports.

Section 3. This act shall become effective on October 1, 1995.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 80; Nays 8.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Drake, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Graham, Guin, Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, Melton, Millican, Minnifield, Mitchell, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (T), Payne, Petelos, Pringle, Reed, Rogers (J), Rogers (M), Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Willis.

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Nay:

Representatives Dolbare, Hall (A), McKee, Parker (P), Robinson, Sanderford, Sanderson and Sims.

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And the bill:

H. 263. To make an appropriation of \$114,044 from the Education Trust Fund to certain YMCA programs and Boys and Girls Club programs for the fiscal year ending September 30, 1996, and requires an operations plan and audited financial statement prior to release of any funds.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 84; Nays 8.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Drake, Dukes, Fuller, Gaines, Galliher, Gaston, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, Melton, Millican, Minnifield, Mitchell, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (T), Payne, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Smith, Spratt, Starkey, Thomas (D), Thomas (J), Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-84

Nay:

Representatives Dolbare, McKee, Moore, Parker (P), Sanderford, Sanderson, Sims and Townsend.

- 8

MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Fuller, the rules were suspended in order to take up out of order the Budget Isolation Resolution and the bill, H. 913.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Fuller, the Budget Isolation Resolution relating to the bill, H. 913, was adopted.

Yeas 74; Nays 7.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Collins, Crigler, Curry, Dean, Drake, Dukes, Fuller, Gaston, Graham, Guin, Hall (A), Hall (L), Hamilton, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (J), Laird, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, Melton, Millican, Minnifield, Mitchell, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (T), Payne, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sims, Smith, Spratt, Starkey, Thomas (J), Townsend, Turner, Warren and Willis.

-74

Nay:

Representatives Dolbare, Gaines, Layson, McKee, Parker (P), Sanderford and Thomas (D).

- 7

And the bill:

H. 913. (With Amendment): To make an appropriation of \$125,000 from the State General Fund to the Shoals Entrepreneurial Center for the fiscal year ending September 30, 1995, and to require an operations plan and an audited financial statement prior to release of any funds.

was taken up.

SUBSTITUTE OFFERED

Representative Fuller offered the following substitute to the bill, H. 913, and to the pending amendment reported by the Standing Committee on Ways and Means:

A BILL TO BE ENTITLED AN ACT

To make an appropriation of \$100,000 from the State General Fund to the Shoals Entrepreneurial Center for the fiscal year ending September 30, 1996, and to require an operations plan and an audited financial statement prior to release of any funds.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. For the fiscal year ending September 30, 1996, there is hereby appropriated to the Shoals Entrepreneurial Center from the State General Fund the sum of \$100,000.

Section 2. Prior to release of any funds appropriated under this bill for fiscal year 1995-96, an operations plan for fiscal year 1995-96 and an audited financial statement for all operations during fiscal year 1993-94 must be forwarded to the Director of Finance. It is the intent to release fiscal year 1995-96 funds following receipt of these reports.

Section 3. This act shall become effective October 1, 1995.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 88; Nays 1.

Yea:

Mr. Speaker, Allen, Bandy, Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Collins, Crigler, Curry, Dean, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Payne, Penry, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Willis.

-88

Nay:

Representative Dolbare.

- 1

And the bill:

H. 913. To make an appropriation of \$100,000 from the State General Fund to the Shoals Entrepreneurial Center for the fiscal year ending September 30, 1996, and to require an operations plan and an audited financial statement prior to release of any funds.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 81; Nays 5.

Yea:

Mr. Speaker, Allen, Bandy, Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Crigler, Curry, Dean, Drake, Dukes, Ford, Fuller, Gaines, Galliher, Gaston, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawk, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (T), Payne, Penry, Pringle, Reed, Robinson, Rogers (J), Rogers (M),

Sanderford, Sims, Spratt, Starkey, Thomas (D), Thomas (J), Turner, Turnham, Vance, Venable, Warren, White and Willis.

-81

Nay:

Representatives Dolbare, Layson, McKee, Parker (P) and Townsend.

- 5

MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Fuller, the rules were suspended in order to take up out of order the Budget Isolation Resolution and the bill, H. 761.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Box, the Budget Isolation Resolution relating to the bill, H. 761, was adopted.

Yeas 82; Nays 6.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Kennedy, Knight (A), Knight (J), Laird, Letson, Lindsey, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (T), Payne, Penry, Pringle, Reed, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Warren, White and Willis.

-82

Nay:

Representatives Dolbare, Layson, McKee, Parker (P), Seibenhener and Wren.

- 6

And the bill:

H. 761. (With Substitute): To make an appropriation from the Alabama

Special Educational Trust Fund to the Exploreum Museum of Discovery for the fiscal year ending September 30, 1996, and to require an operations plan and audited financial statement prior to release of any funds.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To make an appropriation of \$20,000 from the Alabama Special Educational Trust Fund to the Exploreum Museum of Discovery for the fiscal year ending September 30, 1996, and to require an operations plan and audited financial statement prior to release of any funds.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. For the fiscal year ending September 30, 1996, there is hereby appropriated to the Exploreum Museum of Discovery, the sum of \$20,000, from the Alabama Special Educational Trust Fund, to be used for support and maintenance.

Section 2. Prior to release of any funds appropriated under this bill for fiscal year 1995-96, an operations plan for fiscal year 1995-96 and an audited financial statement for all operations during fiscal year 1993-94 must be forwarded to the Director of Finance. It is the intent to release fiscal year 1995-96 funds following receipt of these reports.

Section 3. This act shall become effective on October 1, 1995.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 83; Nays 6.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Haney, Hawk, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy,

Knight (A), Knight (J), Laird, Letson, Lindsey, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Mitchell, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (T), Payne, Penry, Pringle, Reed, Rogers (J), Rogers (M), Sanderford, Sanderson, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Warren and Willis.

-83

Nay:

Representatives McKee, Minnifield, Parker (P), Robinson, Seibenhener and Sims.

- 6

And the bill:

H. 761. To make an appropriation of \$20,000 from the Alabama Special Educational Trust Fund to the Exploreum Museum of Discovery for the fiscal year ending September 30, 1996, and to require an operations plan and audited financial statement prior to release of any funds.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 76; Nays 8.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Collins, Crigler, Curry, Dean, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Lindsey, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Morrison, Morrow, Morton, Murphree, Page, Papucci, Payne, Penry, Petelos, Pringle, Reed, Rogers (J), Rogers (M), Sanderford, Sanderson, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Turner, Turnham, Vance, Warren and Willis.

-76

Nay:

Representatives Dolbare, McKee, Minnifield, Parker (P), Robinson, Seibenhener, Sims and Townsend.

- 8

MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Fuller, the rules were suspended in order to take up out of order the Budget Isolation Resolution and the bill, H. 724.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Rogers (J), the Budget Isolation Resolution relating to the bill, H. 724, was adopted.

Yeas 78; Nays 6.

Yea:

Mr. Speaker, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Drake, Dukes, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Letson, Lindsey, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (T), Payne, Penry, Pringle, Rogers (J), Rogers (M), Sanderford, Sanderson, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Warren, White and Willis.

-78

Nay:

Representatives Dolbare, Layson, McKee, Seibenhener, Sims and Vance.

- 6

And the bill:

H. 724. (With Substitute): To make an appropriation from the Alabama Special Educational Trust Fund in the sum of \$300,000 for the support and maintenance of the Birmingham Children's Theatre for the fiscal year ending September 30, 1996, and to require an operations plan and audited financial statement prior to release of any funds.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To make an appropriation from the Alabama Special Educational Trust Fund in the sum of \$100,000 for the support and maintenance of the Birmingham Children's Theatre for the fiscal year ending September 30, 1996, and to require an operations plan and audited financial statement prior to release of any funds.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. For the fiscal year ending September 30, 1996, there is hereby appropriated to the Birmingham Children's Theatre from the Alabama Special Educational Trust Fund, the sum of \$100,000 to be used for the support and maintenance of said program.

Section 2. Prior to release of any funds appropriated under this bill for fiscal year ending September 30, 1996, an operations plan for fiscal year 1995-96 and an audited financial statement for all operations during fiscal year 1993-94 must be forwarded to the Director of Finance. It is the intent to release fiscal year 1995-96 funds following receipt of these reports.

Section 3. This act shall become effective on October 1, 1995.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 82; Nays 1.

Yea:

Mr. Speaker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (T), Payne, Penry, Petelos, Pringle, Rogers (J), Rogers (M), Sanderford, Sanderson, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Warren, White and Willis.

Nay:

Representative Sims.

- 1

And the bill:

H. 724. To make an appropriation from the Alabama Special Educational Trust Fund in the sum of \$100,000 for the support and maintenance of the Birmingham Children's Theatre for the fiscal year ending September 30, 1996, and to require an operations plan and audited financial statement prior to release of any funds.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 83; Nays 7.

Yea:

Mr. Speaker, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Drake, Dukes, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (T), Payne, Penry, Petelos, Pringle, Rogers (J), Rogers (M), Sanderford, Sanderson, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Venable, Warren, White and Willis.

-83

Nay:

Representatives Dolbare, Layson, McKee, Robinson, Seibenhener, Sims and Vance.

- 7

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 871. To pledge and appropriate such amounts as may be necessary to pay and to redeem prior to their respective maturities the principal of and the interest on any issue of bonds and refunding bonds of the Alabama Incentives Finance Authority from the revenues retained by the state of Alabama from the in-lieu-of-taxes payments made by the Tennessee Valley Authority following the distribution of a portion of such payments to certain counties in the State of Alabama as provided in Section 40-28-2 of the Code of Alabama 1975, and the pledge and appropriation of TVA payments pursuant to Section 41-9-783 of the Code of Alabama 1975, for the Tennessee Valley Exhibit Commission Bonds outstanding on the effective date of this Act.

Also:

H. 872. To authorize the incorporation of Alabama Incentives Financing Authority; to provide for its governance and to confer upon it certain powers; to grant to the authority the power to issue or guarantee not exceeding \$150,000,000 principal amount bonds for the purpose of financing industrial and research facilities and training facilities and paying management fees referable to any such training facilities; to appropriate to the authority for payment of debt service on debt obligations of the authority and related ongoing financing costs and other obligations of the authority so much as may be necessary of the revenues retained by the state from the in-lieu-of-taxes payments made by The Tennessee Valley Authority; to authorize the pledge by the authority of the funds so appropriated and certain other funds available to the authority for payment of its obligations; to provide for the manner of ownership, operation, leasing, and disposition of facilities directly or indirectly financed by the authority; to provide for the manner of issuing and securing its obligations and providing for the incontestability thereof under certain conditions; to grant tax exemptions respecting the bonds of the authority, the interest thereon, and the authority's property and operations and other exemptions; to exempt the authority from the jurisdiction of certain state agencies and from competitive bid laws; and to provide for the dissolution of the authority.

McDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the Report of the Committee on Conference on the disagreement of the two Houses on the House amendment to the Bill:

S. 220. To amend Section 32-8-87, Code of Alabama 1975, relating to motor vehicle certificates of title, to provide further for the circumstances when a

motor vehicle would be considered a total loss and to provide further for the issuance of a certificate of title to the owner of a salvage motor vehicle restored to its operating condition prior to damage.

said Conference Report being in words and figures as follows:

REPORT OF COMMITTEE OF CONFERENCE ON S. 220

We, the Committee of Conference appointed to reconcile the disagreement between the two houses concerning S. 220, have met, considered the bill as substituted, and have agreed to the following report:

Attached Substitute

Respectively submitted,

LARRY DIXON
LOWELL BARRON
GERALD DIAL

Conferees on the part of the Senate

PERRY O. HOOPER, JR.
JOE R. CAROTHERS, JR.
JOHN ROBINSON

Conferees on the part of the House

A BILL
TO BE ENTITLED
AN ACT

To amend Section 32-8-87, Code of Alabama 1975, relating to motor vehicle certificates of title, to provide further for the circumstances when a motor vehicle would be considered a total loss and to provide further for the issuance of a certificate of title to the owner of a salvage motor vehicle restored to its operating condition prior to damage.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 32-8-87, Code of Alabama 1975, is amended to read as follows:

"§32-8-87.

"(a) Each owner of a motor vehicle and each person mentioned as owner in the last certificate of title who scraps, dismantles, destroys, or changes the motor vehicle in such a manner that it is not the same motor vehicle described in the

certificate of origin or certificate of title, shall as soon as practicable cause the certificate of origin or certificate of title, if any, and any other documents or information required by the department to be mailed or delivered to the department for processing. The department shall, with the consent of any holder of liens noted on the surrendered certificate, enter a cancellation upon its records. Upon cancellation of a certificate of origin or certificate of title in the manner prescribed by this section, the department shall cancel all certificates of origin or certificates of title and all memorandum certificates in that chain of title. A certificate of title for the vehicle shall not again be issued except upon application containing the information the department requires, accompanied by a certificate of inspection in the form and content as specified in this section.

"No motor vehicle for which a salvage or junk certificate has been issued by this state or any other state shall be driven or operated on the highways or other public places of this state. ~~However, a~~ A vehicle which is in this state and for which a salvage certificate has been issued, and the vehicle is being restored to its operating condition which existed prior to the event which caused the salvage certificate of title to issue, may be moved to and from repair points as necessary by the rebuilder to complete the restoration or may be moved as permitted by the department of revenue for inspection or for any other purpose. A valid Alabama dealer ~~transport (DT)~~ license plate ~~must~~ shall be displayed on the vehicle during its movement. ~~Any~~ A person who violates this subsection shall, upon conviction, be guilty of a Class C misdemeanor and shall be punishable as required by law.

"(b) When the frame or engine is removed from a motor vehicle and not immediately replaced by another frame or engine, or when an insurance company has paid money or made other monetary settlement as compensation for a total loss of any motor vehicle, ~~such the~~ motor vehicle shall be considered to be salvage. The owner of every motor vehicle in which total loss or salvage has occurred shall, within 72 hours after ~~such the~~ total loss or salvage occurs, make application for a salvage certificate of title and forward to the department the certificate of origin or certificate of title to the motor vehicle, whereupon the department shall process the certificate of origin or certificate of title in a manner prescribed by law or regulation. An insurance company which pays money or makes other monetary settlement as compensation for total loss of a motor vehicle shall at the time of payment or monetary settlement obtain ~~such the~~ vehicle's certificate of origin or certificate of title and, as soon as practicable after receiving them, shall forward them along with their application for a salvage certificate, to the department for processing. In the event the payment or monetary settlement was made because of the theft of the vehicle, which shall be considered a total loss as defined in this section, the insurance company shall forward the vehicle's properly assigned certificate of origin or certificate of title as provided herein, to the department as soon as practicable after the vehicle is recovered. When a stolen motor vehicle has been reported to the department in compliance with this section and is later recovered, and for which a salvage certificate has been issued, the owner recorded on the salvage certificate shall assign that certificate to the purchaser. ~~Any~~ A person who violates this subsection shall, upon conviction, be guilty of a Class C misdemeanor and shall be punishable as required by law.

"(c) If an insurance company acquires a motor vehicle in settlement of an insurance claim and holds the vehicle for resale and procures the certificate of origin or certificate of title from the owner or lienholder within 15 days after delivery of the vehicle to the insurance company, and if the vehicle was not a total loss as defined by this section, the insurance company need not send the certificate of origin or certificate of title to the department but, upon transferring the vehicle to another person, other than by the creation of a security interest, the insurance company shall complete an affidavit of acquisition and disposition of the motor vehicle on a form prescribed by the department and deliver the certificate of origin or certificate of title, affidavit, and any other documents required by the department to the transferee at the time of delivery of the motor vehicle.

"(d) For the purposes of this section, a total loss shall occur when an insurance company or any other person pays or makes other monetary settlement to any a person when it is deemed to be uneconomical to repair the damaged vehicle a vehicle is damaged and the damage to the vehicle is greater than or equal to 75 percent of the fair retail value of the vehicle prior to damage as set forth in a current edition of a nationally recognized compilation of retail values, including automated data bases, as approved by the department. The compensation for total loss as defined in this subsection shall not include payments by an insurer or other person for medical care, bodily injury, vehicle rental, or for anything other than the amount paid for the actual damage to the motor vehicle. A vehicle that has sustained minor damage as a result of theft or vandalism shall not be considered a total loss. Any person acquiring ownership of a damaged motor vehicle that meets the definition of total loss for which a salvage title has not been issued shall apply for a salvage title, other than a scrap metal processor acquiring such vehicle for purposes of recycling into metallic scrap for remelting purposes only. This application shall be made before the vehicle is further transferred, but in any event, within 30 days after ownership is acquired.

"(e) It shall be unlawful for the owner of any junkyard, salvage yard, or motor vehicle dismantler and parts recycler or his or her agents or employees to have in their possession any motor vehicle which is junk or salvage or a total loss when the manufacturer's vehicle identification number plate(s) or plates, authorized replacement vehicle identification number plate(s) or plates, or serial plate(s) or plates have been removed, unless previously required to be removed by a statute or law of this state or another jurisdiction. Any A person who violates this subsection shall, upon conviction, be guilty of a Class C misdemeanor and shall be punishable as required by law.

"(f) It shall be unlawful for any a person, firm, or corporation to possess, sell or exchange, offer to sell or exchange, or to give away any certificate of origin, certificate of title, salvage certificate of title, manufacturer's identification number plate(s) or plates, authorized replacement vehicle identification number plate(s) or plates, serial plate(s) or plates, or motor vehicle license plate(s) or plates of any motor vehicle which has been scrapped, dismantled, or sold as junk or salvage or as a total loss contrary to the provisions of this section, and every officer, agent, or employee of any a person, firm, or corporation, and every person who shall

authorize, direct, aid in or consent to the possession, sale or exchange, or offer to sell, exchange, or give away such certificate of origin, certificate of title, salvage certificate of title, manufacturer's vehicle identification number plate~~(s)~~ or plates, authorized replacement vehicle identification number plate~~(s)~~ or plates, serial plate~~(s)~~ or plates, or motor vehicle license plate~~(s)~~ or plates contrary to the ~~provisions of~~ this section, shall, upon conviction, be guilty of a Class C misdemeanor and shall be punishable as required by law.

"(g) The department is authorized to issue a salvage certificate of title for a fee of \$15.00, on a form prescribed by the department which shall provide for assignments of this title. ~~Such~~ The salvage certificate of title is to replace a certificate of origin or certificate of title required to be surrendered by this section. The department shall prescribe necessary forms and procedures to comply with ~~the provisions of~~ this subsection.

"(h) It shall be unlawful for ~~any a~~ person to sign as assignor or for ~~any a~~ person to have in his or her possession a salvage certificate of title which has been signed by the owner as assignor without the name of the assignee and other information called for on the form prescribed by the department. ~~Any A~~ person who violates this subsection, upon conviction, shall be guilty of a Class C misdemeanor and shall be punishable as required by law.

"(i) Every owner of a salvage or junk motor vehicle who sells or transfers ~~said the vehicle to any person other than to a scrap metal processor for purposes of recycling into metallic scrap for remelting purposes only,~~ shall provide at the time of ~~such~~ the sale or transfer a properly executed assignment and warranty of title to the transferee in the space provided therefor on the salvage certificate of title or junk certificate of title or as the department prescribes. ~~Any A~~ person who willfully violates this subsection shall, upon conviction, be guilty of a Class C misdemeanor and shall be punishable as required by law.

"(j) The department may issue a certificate of title to any motor vehicle for which a salvage certificate has been issued by this or any other state, and ~~such~~ the vehicle has, in this state, been completely restored to its operating condition which existed prior to the event which caused the salvage certificate of title to issue, provided that all requirements of this section have been met. ~~However, no~~ No certificate of title shall be issued for any motor vehicle for which a "junk" certificate has been issued or for a vehicle which is sold "for parts only."

"(k) Every owner of a salvage motor vehicle designated a 1975 year model and all models subsequent thereto which is in this state and which has been restored in this state to its operating condition which existed prior to the event which caused the salvage certificate of title to issue shall make application to the department for an inspection of the vehicle in the form and content as determined by the department. Each application for inspection of a salvage vehicle which has been so restored shall be accompanied by all of the following:

"(1) The outstanding salvage certificate or out-of-state title previously issued for the salvage vehicle;

"(2) Notarized bills of sale evidencing acquisition of all major component parts (listing the manufacturer's vehicle identification number of the vehicle from which the parts were removed, if parts contain or should contain the manufacturer's vehicle identification number) used to restore the vehicle and bills of sale evidencing acquisition of all minor component parts. Notarization shall not be required on bills of sale for minor component parts; provided, ~~however,~~ that a notarized bill of sale which lists the manufacturer's vehicle identification number of the vehicle from which the parts were removed, if parts contain or should contain the manufacturer's vehicle identification number, shall be required for a transmission;_

"(3) Evidence that the owner is a licensed motor vehicle rebuilder as defined in section 40-12-390;_

"(4) The owner shall also provide a written affirmation which states the following:

"a. He That the owner has rebuilt the vehicle or supervised its rebuilders, and what has been done to restore the vehicle to its operating condition which existed prior to the event which caused the salvage certificate to issue;_

"b. He That the owner personally inspected the completed vehicle and it complies with all safety requirements set forth by the state of Alabama and any regulations promulgated thereunder;_

"c. ~~The~~ That the identification numbers of the restored vehicle and its parts have not, to the knowledge of the owner, been removed, destroyed, falsified, altered, or defaced;_

"d. ~~The~~ That the salvage certificate document or out-of-state title certificate attached to the application has not to the knowledge of the owner been forged, falsified, altered, or counterfeited;_

"e. ~~All~~ That all information contained on the application and its attachments is true and correct to the knowledge of the owner.

"(I) The application fee for each inspection of a restored vehicle shall be \$75.00, payable by certified funds to the department, which ~~must~~ shall accompany the application.

"(1) All ~~such~~ application fees received by the department shall be applied toward the personnel and maintenance costs of the vehicle inspection program and ~~such the~~ vehicle inspection program shall be conducted by the ~~Alabama department of revenue,~~ office of investigations and inspections of the department. Upon receipt of the application for inspection, application fee of \$75.00, its supporting documents, and title fee of \$15.00, ~~(payable by certified funds to the department)~~, the department shall require an inspection to be made of the title and the vehicle by qualified agents or law enforcement officers of the ~~Alabama department of revenue.~~

"(2) The inspection and certification shall include an examination of the vehicle and its parts to determine that the identification numbers of the vehicle or its parts have not been removed, falsified, altered, defaced, destroyed, or tampered with;₂ that the vehicle information contained in the application for certificate of title and supporting documents is true and correct;₁ and that there are no indications that the vehicle or any of its parts are stolen. ~~Such~~ The certification shall not attest to the roadworthiness or safety condition of the vehicle.

"(m) Component parts are defined as:

"(1) PASSENGER VEHICLES.

"a. Major components:

"1. Motor or engine.

"2. Trunk floor pan or rear section and roof.

"3. Frame or any portion thereof (except frame horn), or, in the case of a unitized body, the supporting structure which serves as the frame, except when it is a part of the trunk floor pan, or rear section and roof.

"4. Cowl, firewall, or any portion thereof.

"5. Roof assembly.

"b. Minor components:

"1. Each door allowing entrance to or egress from the passenger compartment.

"2. Hood.

"3. Each front fender or each rear fender when used with a rear section and roof.

"4. Deck lid, tailgate,₂ or hatchback (whichever is present).

"5. Each quarter panel.

"6. Each bumper.

"7. T-tops, moon roof, or whichever is present.

"8. Transmission or trans-axle.

"(2) TRUCK, TRUCK TYPE,₂ OR BUS TYPE VEHICLES.

"a. Major components:

"1. Motor or engine.

"2. Transmission or trans-axle.

"3. Frame or any portion thereof (except frame horn), or, in the case of a unitized body, the supporting structure which serves as the frame.

"4. Cab.

"5. Cowl or firewall or any portion thereof.

"6. Roof assembly.

"7. Cargo compartment floor panel or passenger compartment floor pan.

"b. Minor components:

"1. Each door.

"2. Hood.

"3. Grill, except on one ton or smaller trucks.

"4. Each bumper.

"5. Each front fender.

"6. Roof panel and rear cab panel.

"7. Each rear fender or side panel.

"8. Pickup box.

"9. Body or bed.

"(3) MOTORCYCLE: COMPONENT PARTS.

"a. Engine or motor.

"b. Transmission or trans-axle.

"c. Frame.

"d. Front fork.

"e. Crankcase.

~~"(n) A salvage vehicle which has been restored in this state to its operating condition which existed prior to the event which caused the salvage certificate of title to issue shall be issued a certificate of title which shall contain the word "rebuilt." However a passenger vehicle, truck type or bus type vehicle restored with a combination of no more than one major component part, as defined above, and no more than five minor component parts, as defined above; or a combination of no more than six minor component parts, as defined above, shall be issued a certificate of title without "rebuilt" appearing thereon. A motorcycle restored with less than two component parts, as defined above, shall be issued a certificate of title without "rebuilt" appearing thereon.~~

"(o)(1) Each salvage vehicle restored or rebuilt in this state which is required to be inspected by the department pursuant to subsection (l) of this section and for which a certificate of title may be issued pursuant to subsection (n) of this section shall be issued a decal, plate, or other emblem as prescribed by the department to reflect that the vehicle is rebuilt. The decal, plate, or other emblem shall be attached to the vehicle in a place and in a manner prescribed by the department.

"(2) A person who willfully removes, mutilates, tampers with, obliterates, or destroys a decal, plate, or other emblem issued and attached to a salvage vehicle pursuant to this subsection is guilty of a Class A misdemeanor punishable as provided by law.

"(p) Each person who sells, exchanges, delivers, or otherwise transfers any interest in any vehicle for which a title bearing the designation "salvage" or "rebuilt" has been issued shall disclose in writing the existence of this title to the prospective purchaser, recipient in exchange, recipient by donation, or recipient by other act of transfer. The disclosure, which shall be made at the time of or prior to the completion of the sale, exchange, donation, or other act of transfer, shall contain the following information in no smaller than 10 point type: "This vehicle's title contains the designation "salvage" or "rebuilt". "

Section 2. This act shall become effective October 1, 1996.

And said Bill, SB 220, together with the Report of the Committee on Conference, is herewith sent to the House for its consideration.

MCDOWELL LEE
Secretary

SENATE MESSAGE

REPORT OF THE COMMITTEE ON CONFERENCE ADOPTED

On motion of Representative Hooper, the House concurred in and adopted the Report of the Committee on Conference on the disagreement of the two Houses on the House amendment to the bill, S. 220, said report being set out in the foregoing Message from the Senate.

Yeas 94; Nays 1.

Yea:

Mr. Speaker, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hogan, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-94

Nay:

Representative Hinshaw.

- 1

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 66. To amend Sections 17-7-1, 17-8-2.1, and 17-16-40, Code of Alabama 1975, to provide further for including the names of candidates and political parties on the general election ballot.

McDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Page, the House non-concurred in the Senate amendment to the bill, H. 66, and requested the Speaker appoint a Committee on Conference on the disagreement of the two Houses, said Senate amendment being as follows:

A BILL
TO BE ENTITLED
AN ACT

To amend Sections 17-7-1, 17-8-2.1, and 17-16-40, Code of Alabama 1975, to provide further for including the names of candidates and political parties on the general election ballot.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 17-7-1, 17-8-2.1, and 17-16-40, Code of Alabama 1975, are amended to read as follows:

"§17-7-1.

"(a) The following persons shall be entitled to have their names printed on the appropriate ballot for the general election, provided they are otherwise qualified for the office they seek:

"(1) All candidates who have been put in nomination by primary election and certified in writing by the chair and secretary of the canvassing board of the party holding the primary and filed with the probate judge of the county, in the case of a candidate for county office, and the Secretary of State in all other cases, on the day next following the last day for contesting the primary election for that office if no contest is filed. If a contest is filed, then the certificate for the contested office must be filed on the day next following the date of settlement or decision of the contest.

"(2) All candidates who have been put in nomination by any caucus, convention, mass meeting, or other assembly of any political party or faction and certified in writing by the chair and secretary of the nominating caucus, convention, mass meeting, or assembly and filed with the probate judge, in the case of a candidate for county office, and the Secretary of State in all other cases, on or before 5:00 P.M. ~~60 days before the date of the first primary election~~ six days after the second primary election.

"(3) Each candidate who has been requested to be an independent candidate for a specified office by written petition signed by electors qualified to vote in the election to fill the office when the petition has been filed with the probate judge, in the case of a county office and with the Secretary of State in all other cases, on or before 5:00 P.M. ~~60 days before the first primary election~~ six days after the second primary election. The number of qualified electors signing the petition shall equal or exceed one percent of the total number of registered voters ~~of the qualified electors who cast ballots for the office of Governor in the last general election for the state, county, city, district, or other political subdivision in which the candidate seeks to qualify.~~

~~"a. The county if the office is to be filled by vote of the electors of the entire county;~~

~~"b. The state if the office is to be filled by vote of electors of the entire state;~~
or

~~"c. The district if the office is to be filled by the electors of a district.~~

"(b) With regard to the 1992 election cycle for candidates for the United States House of Representatives only, and only if the Legislature adopts an approved congressional reapportionment plan in the 1992 Regular Session, candidates shall be certified or qualified on or before 5:00 p.m. 29 days before the first primary election.

"(c) The Secretary of State must, not later than ~~six~~ 45 days after the second primary, certify to the probate judge of each county in the state, in the case of an officer to be voted for by the electors of the whole state, and to the probate judges of the counties composing the circuit or district in case of an officer to be voted for by the electors of a circuit or district, upon suitable blanks to be prepared by him or her for that purpose, the fact of nomination or independent candidacy of each nominee or independent candidate or candidate of a party who did not receive more than 20 percent of the entire vote cast in the last general election preceding the primary who has qualified to appear on the general election ballot. The probate judge shall then prepare the ballot with the names of each candidate qualified under the provisions of this section printed on the ballot. The probate judge is prohibited from causing to be printed on the ballot the name of any independent candidate who was a candidate in the primary election of that year."

"§17-8-2.1.

"(a) No political party, except those qualified as a political party under Title 17, chapter 16, shall be included on any general election ballot unless:

"(1) The party shall have filed with the secretary of state or other appropriate official ~~at the same time set by law in section 17-16-11, for candidates in primary elections to qualify~~ six days after the second primary election a list of the signatures of at least one percent of the qualified electors who casts ballots for the office of governor in the last general election for the state, county, city, district or other political subdivision in which the political party seeks to qualify candidates for office; and unless

"(2) The party shall have fulfilled all other applicable requirements of federal, state or local laws.

"(b) The provisions of this section are supplemental to the provisions of Title 17, chapter 16, and other laws regarding the conduct of elections in Alabama, and shall repeal only those laws or parts of laws in direct conflict herewith."

"§17-16-40.

"The secretary of state shall, within ~~six~~ 45 days after the second primary election, certify to the probate judge of each county in the state a separate list of nominees of each party for office and for each candidate who has requested to be an independent candidate and has filed a written petition in accordance with Section 17-7-1(a)(3), except nominees for county offices, to be voted for by the voters of such county."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Yeas 80; Nays 12.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hammett, Haney, Hawk, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McDaniel, Melton, Millican, Mitchell, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Parker (P), Parker (T), Payne, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Turnham, Vance, Venable, Warren and White.

-80

Nay:

Representatives Crigler, Hayden, McAdory, McClammy, McKee, McMillan, Minnifield, Papucci, Penry, Sims, Townsend and Wren.

-12

COMMITTEE ON CONFERENCE APPOINTED

The Speaker appointed as a Committee on Conference on the part of the House, Representatives Page, Curry and Buskey on the disagreement of the two Houses on the Senate amendment to the bill, H. 66.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 139. To amend Section 34-23-74, Code of Alabama 1975, to provide further for the stocking and dispensing of certain drugs.

McDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Johnson (R), the House concurred in and adopted the Senate amendment to the bill, H. 139, said Senate amendment being as follows:

Amend H. 139 on page 3, line 11 by inserting after institutional the word "hospital"

Yeas 96; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Box, Boyd, Burke, Buskey, Cams, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maul, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-96

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 330. To provide for the regulation and licensure of professional geologists; to provide for the Alabama Board of Licensure for Professional Geologists; to make an appropriation; and to prescribe fines and penalties for violations of this act.

McDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Carns, the House concurred in and adopted the Senate amendment to the bill, H. 330, said Senate amendment being as follows:

Amend House Bill 330 as engrossed on page 11, line 8 by deleting the following: ", interest on accounts,".

Further amend House Bill 330 as engrossed on page 24, line 16 by deleting the period after the word "law" and inserting in lieu thereof the following: ", and shall be implemented with the beginning of the 1995-96 fiscal year."

Yeas 91; Nays 3.

Yea:

Mr. Speaker, Allen, Bandy, Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Dean, Drake, Dukes, Flowers, Fuller, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-91

Nay:

Representatives Curry, Dolbare and Gaines.

- 3

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 748. To amend sections, 40-1-44, 40-12-190, 40-12-198, 40-12-199, 40-17-1, 40-17-2, 40-17-5, 40-17-6, 40-17-7, 40-17-9, 40-17-14, 40-17-20, 40-17-22, 40-17-203, 40-17-220, and 40-17-221, to further define certain terms and clarify language therein; to further specify refund requirements; to provide for

the payment of interest on refunds not processed within 90 days; and to repeal sections 40-17-3, 40-17-4, 40-17-11, 40-17-12, and 40-17-21.

McDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative McDaniel, the House concurred in and adopted the Senate amendment to the bill, H. 748, said Senate amendment being as follows:

Amend H. 748 on Page 19, after line 17, by inserting the following underlined language:

"(9) Motor fuel that is used for off-road agricultural purposes on the farm."

Further amend H. 748 on Page 20, line 16, after the word "sale." by inserting the following new underlined language:

"Provided, however, clear motor fuel shall only be sold for such purposes if no dyed motor fuel is available from the agricultural users supplier."

Further amend H. 748 on Page 28, after line 19, by inserting the following new underlined language:

"(9) Motor fuel used for off-road agricultural purposes on the farm."

Further amend H. 748 on Page 29, after line 18, by adding the following new underlined language and relettering subsequent paragraphs:

"(i) Notwithstanding the foregoing provisions of this section, all motor fuel used by off-road equipment used for agricultural purposes shall be exempt from the tax imposed by this article at the time of sale. Provided, however, clear motor fuel shall only be sold for such purposes if no dyed motor fuel is available from the agricultural users supplier."

Yeas 97; Nays 1.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Drake, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull,

McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-97

Nay:

Representative Dolbare.

- 1

MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Fuller, the rules were suspended in order to take up out of order the Budget Isolation Resolution and the bill, H. 823.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Fuller, the Budget Isolation Resolution relating to the bill, H. 823, was adopted.

Yeas 92; Nays 1.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Box, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Warren, Willis and Wren.

-92

Nay:

Representative Mitchell.

- 1

And the bill:

H. 823. To make an appropriation in the amount of \$50,000 from the Alabama Special Educational Trust Fund to the Educational Resources, Inc. for the fiscal year ending September 30, 1996, and to require an operations plan and audited financial statement prior to release of any funds.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 90; Nays 5.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Box, Boyd, Burke, Buskey, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (T), Payne, Penry, Petelos, Pringle, Reed, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

-90

Nay:

Representatives Black (M), Dolbare, Mitchell, Parker (P) and Seibenhener.

- 5

MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Fuller, the rules were suspended in order to take up out of order the Budget Isolation Resolution and the bill, H. 832.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Fuller, the Budget Isolation Resolution relating to the bill, H. 832, was adopted.

Yeas 93; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Letson, Lindsey, Maull, McAdory, McClammy, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-93

And the bill:

H. 832. To make an appropriation of \$75,000 from the Alabama Special Educational Trust Fund to the Alabama Humanities Foundation for the fiscal year ending September 30, 1996, and to require an audited financial statement and operations plan prior to release of any funds.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 90; Nays 4.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Crigler, Curry, Dean, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (T), Payne, Penry, Petelos, Pringle, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-90

Nay:

Representatives Dolbare, Parker (P), Seibenhener and Townsend.

- 4

MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Fuller, the rules were suspended in order to take up out of order the Budget Isolation Resolution and the bill, H. 668.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Fuller, the Budget Isolation Resolution relating to the bill, H. 668, was adopted.

Yeas 86; Nays 4.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Box, Burke, Buskey, Carns, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Drake, Dukes, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-86

Nay:

Representatives Carothers, Dolbare, Minnifield and Parker (P).

- 4

MESSAGE FROM THE SENATE

Mr. Speaker:

The Presiding Officer of the Senate having signed the following Senate Bill, your signature thereto is requested:

S. 245. To amend Section 16-22-9 of the Code of Alabama 1975, to further provide for the establishment of a sick leave bank plan by an educational authority under certain conditions, and to provide that an employee would be required to be a member of the sick leave bank to donate or receive catastrophic sick leave days.

McDOWELL LEE
Secretary

SIGNING OF SENATE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Presiding Officer of the Senate having signed the following Senate Bill, your signature thereto is requested:

S. 20. To alter, rearrange, and extend the boundary lines and corporate limits of the City of Ozark in Dale County.

McDOWELL LEE
Secretary

SIGNING OF SENATE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Message from the Senate.

H. 668 TAKEN UP

And the bill:

H. 668. (With Substitute): To make an appropriation from the Alabama Special Educational Trust Fund in the State Treasury to the Alabama Sports Festival in the amount of \$82,800 for the fiscal year ending September 30, 1996.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To make an appropriation from the Alabama Special Educational Trust Fund in the State Treasury to the Alabama Sports Festival in the amount of \$75,000 for the fiscal year ending September 30, 1996 and to require an operations plan and audited financial statement prior to the release of any funds.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The sum of \$75,000 is appropriated from the Alabama Special Educational Trust Fund in the State Treasury to the Alabama Sports Festival for the fiscal year ending September 30, 1996.

Section 2. Prior to release of any funds appropriated under this bill for fiscal year 1995-96, an operations plan for fiscal year 1995-96 and an audited financial statement for all operations during fiscal year 1993-94 must be forwarded to the Director of Finance. It is the intent to release fiscal year 1995-96 funds following receipt of these reports.

Section 3. This act shall become effective on October 1, 1995.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 95; Nays 3.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

Nay:

Representatives Black (M), Layson and Seibenhener.

- 3

And the bill:

H. 668. To make an appropriation from the Alabama Special Educational Trust Fund in the State Treasury to the Alabama Sports Festival in the amount of \$75,000 for the fiscal year ending September 30, 1996 and to require an operations plan and audited financial statement prior to the release of any funds.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 90; Nays 6.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Drake, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Millican, Minnifield, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-90

Nay:

Representatives Black (M), Dolbare, Layson, Parker (P), Seibenhener and Townsend.

- 6

MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Clark (W), the rules were suspended in order to take up out of order the Budget Isolation Resolution and the bill, H. 57.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Clark (W), the Budget Isolation Resolution relating to the bill, H. 57, was adopted.

Yeas 78; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Box, Boyd, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Drake, Dukes, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Letson, Lindsey, Maul, McAdory, McClammy, McDaniel, Melton, Millican, Minnifield, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (T), Payne, Penry, Petelos, Pringle, Rogers (J), Sanderford, Sanderson, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Vance, Venable, Warren and Willis.

-78

And the bill:

H. 57. (With Amendment): To make a supplemental appropriation from the General Fund in the State Treasury to the House of Hope, Inc., in Prichard, Alabama, for the fiscal year ending September 30, 1995.

was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

Amend H. 57 on Page 1, lines 9, 19 and 23, delete the word "General" and insert in lieu thereof: Alabama Special Education Trust

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 87; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake,

Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Morrison, Morrow, Morton, Murphree, Newton (C), Papucci, Parker (T), Payne, Penry, Petelos, Pringle, Reed, Rogers (J), Rogers (M), Sanderford, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, Warren, White and Willis.

-87

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has non-concurred in the House amendment to the Bill:

S. 338. Relating to the offenses of driving a vehicle while under the influence of alcohol or a controlled substance; to amend Section 32-5A-191, Code of Alabama 1975 so as to increase the fines for such offenses and to lower the blood alcohol level at or above which a person is prohibited from operating a motor vehicle from 0.10 to 0.08; providing for the distribution of the additional fines; providing for the creation of the Alabama Chemical Testing Training and Equipment Trust Fund Advisory Board and the Alabama Chemical Testing Training and Equipment Trust Fund; providing for the composition and duties of the board; and appropriating \$900,000 from the Alabama Chemical Testing Training and Equipment Trust Fund to the Department of Forensic Sciences for the fiscal year ending September 30, 1996.

and requests a Committee on Conference.

And the President and Presiding Officer of the Senate has appointed as Committee on part of the Senate, Senators: Bailey, Freeman, and Dixon.

McDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Fuller, the House acceded to the request of the Senate for a Committee on Conference on the disagreement of the two Houses on the House amendment to the bill, S. 338.

Yeas 90; Nays 1.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Boyd, Burke, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Gaston, Gipson, Graham, Guin, Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-90

Nay:

Representative Buskey.

- 1

COMMITTEE ON CONFERENCE APPOINTED

The Speaker appointed as a Committee on Conference on the part of the House, Representatives Fuller, Curry and Kennedy on the disagreement of the two Houses on the House amendment to the bill, S. 338.

H. 57 RESUMED

AMENDMENT OFFERED

Representative Fuller offered the following amendment to the bill, H. 57, as amended:

To amend H. 57 on page 1 on lines 8 & 18 to strike the word "supplemental" and insert in lieu thereof the word "conditional."

Further amend the bill on page 1, line 23 by adding after "is" the following: "conditionally".

Further amend the bill on page 1 line 26 by striking after the period the word "The" and continue striking on page 2, lines 1 and 2 and 3 in their entirety and inserting in lieu thereof the following: "The conditional appropriation is conditioned upon the availability of funds in the ASETF, the recommendation of the Finance Director and the approval of the Governor."

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 90; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (M), Box, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Fuller, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-90

And the bill:

H. 57. To make a conditional appropriation from the Alabama Special Education Trust Fund in the State Treasury to the House of Hope, Inc., in Prichard, Alabama, for the fiscal year ending September 30, 1995.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 89; Nays 1.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Drake, Flowers, Ford, Fuller, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (T), Payne, Penry, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Willis.

-89

Nay:

Representative Seibenhener.

- 1

SPECIAL ORDER CALENDAR RESUMED

BUDGET ISOLATION RESOLUTION ADOPTED

The question was then on the motion previously offered by Representative Carns to adopt the Budget Isolation Resolution relating to the bill, H. 628, and the Budget Isolation Resolution was adopted.

Yeas 93; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Willis.

-93

And the bill:

H. 628. (With Substitute) (With Amendment): To amend Section 13A-12-200.2 of the Code of Alabama 1975, to further provide for the penalties for the distribution of pornography or the possession of pornography with the intent to distribute or the production of obscene material for pecuniary value.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Judiciary, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To amend Section 13A-12-200.2 of the Code of Alabama 1975, to further provide for the penalties for the distribution of obscene material or the possession of obscene material with the intent to distribute or the production of obscene material for pecuniary value.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 13A-12-200.2 of the Code of Alabama 1975, is amended to read as follows:

"§13A-12-200.2.

"(1) It shall be unlawful for any person to knowingly distribute, possess with intent to distribute, or offer or agree to distribute any obscene material for any thing of pecuniary value. Any person who violates this subsection shall, on the first conviction, be guilty of a misdemeanor and, ~~upon conviction~~, shall be punished by a fine of not more than ten thousand dollars (\$10,000) and may also be imprisoned in the county jail or sentenced to hard labor for the county for not more than one year. On a second conviction for a violation of this subsection, the person shall be guilty of a Class C felony punishable as provided by law except the fine shall be not less than ten thousand dollars (\$10,000). On a third conviction for a violation of this subsection, the person shall be guilty of a Class B felony punishable as provided by law except the fine shall be not less than fifteen thousand dollars (\$15,000).

"(2) It shall be unlawful for any person, being a wholesaler, to knowingly distribute, possess with intent to distribute, or offer or agree to distribute, for the purpose of resale or commercial distribution at retail, any obscene material for any thing of pecuniary value. Any person who violates this subsection shall be guilty of a ~~misdemeanor and, upon conviction, shall be punished by a fine of not more than \$20,000 and may also be imprisoned in the county jail or sentenced to hard labor for the county for not more than one year~~ Class C felony punishable as provided by law except the fine shall be not less than fifteen thousand dollars (\$15,000).

"(3) It shall be unlawful for any person to knowingly produce, or offer or agree to produce, any obscene material for any thing of pecuniary value. Any person who violates this subsection shall be guilty of a ~~Class C~~ B ~~felony punishable as provided by law except the fine shall be not less than twenty thousand dollars (\$20,000).~~"

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 94; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Box, Boyd, Burke, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-94

The question was then on the adoption of the amendment reported by the Standing Committee on Judiciary, said committee amendment being as follows:

Amendment to the Substitute to H. 628 on Page 3, Line 8, after the word "be" insert the following: mandatory and

Further amend the Substitute to H. 628 on Page 3, Line 9, after the word "conviction" insert the following: and any subsequent conviction

Further amend the Substitute to H.628 on Page 3, Line 11, after the word "be" insert the following: mandatory and

Further amend the Substitute to H. 628 on Page 3, Line 12, after the word "(\$15,000)." insert the following sentence: A person convicted under this section of the statute is not subject to §13A-5-9, the Habitual Felony Offender Act.

Further amend the Substitute to H. 628 on Page 3, Line 23, after the word "be" insert the following: mandatory and

Further amend the Substitute to H.628 on Page 3, Line 24, after the word "(\$15,000)." insert the following sentence: A person convicted under this section of the statute is not subject to §13A-5-9, the Habitual Felony Offender Act.

Further amend the Substitute to H.628 on Page 4, Line 3, after the word "be" insert the following: mandatory and

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 93; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

-93

And the bill:

H. 628. To amend Section 13A-12-200.2 of the Code of Alabama 1975, to further provide for the penalties for the distribution of obscene material or the possession of obscene material with the intent to distribute or the production of obscene material for pecuniary value.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 94; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Vance, Venable, Warren, White, Willis and Wren.

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CO-SPONSORS ADDED

The following were added as co-sponsors to the bill, H. 628:

Representatives Allen, Collins, Crigler, Dean, Dolbare, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Guin, Hamilton, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Houston, Jackson, Johnson (E), Jorgensen, Knight (A), Laird, Layson, McAdory, McDaniel, McMillan, Melton, Minnifield, Moore, Morrison, Morton, Murphree, Newton (C), Papucci, Parker (T), Payne, Penry, Petelos, Robinson, Rogers (J), Sanderford, Sims, Smith, Spratt, Thomas (D), Townsend, Turnham and Vance.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 353. To amend Section 14-1-4 of the Code of Alabama 1975, relating to the Department of Corrections; to prohibit the Department of Corrections from replacing correctional officers with employees in a lower classification; and to prohibit the Department of Corrections from establishing a classification with the title of security guard.

McDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Baker, the House concurred in and adopted the Senate amendment to the bill, H. 353, said Senate amendment being as follows:

A BILL
TO BE ENTITLED
AN ACT

To amend Section 14-1-4 of the Code of Alabama 1975, relating to the Department of Corrections; to prohibit the Department of Corrections from replacing correctional officers with employees in a lower classification; and to prohibit the Department of Corrections from employing outside security guards.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 14-1-4 of the Code of Alabama 1975, is amended to read as follows:

"§14-1-4.

"(a) The department may appoint ~~such~~ officers and employees as it may require for the performance of its duties and shall fix and determine their qualifications, duties, and authority. ~~Unless otherwise provided by law, all of the~~ The employees of the department, except the commissioner of corrections and the deputy commissioners of corrections, not to exceed three, shall be subject to the ~~provisions of law~~ with respect to the method, selection, classification, and compensation of state employees on a basis of merit.

"(b) The Department of Corrections shall not rescind any employee position with the classification of "Correctional Officer" and replace them with an employee of a lower classification or pay, nor shall the department employ outside "security guards" or their equivalent.

"~~(b)~~ (c) The rules and regulations of the state personnel department shall not be applicable to the appointment, tenure, or compensation of physicians, surgeons, psychiatrists, psychologists, dentists, or allied professional supportive personnel employed by the department.

"~~(e)~~ (d) ~~The commissioner, deputy commissioners and all other appointed personnel shall serve at the pleasure of the department~~ Commissioner of corrections the Department of Corrections."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Yeas 87; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Petelos, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Venable, Warren, White and Willis.

SPECIAL ORDER CALENDER RESUMED

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Rogers (M), the Budget Isolation Resolution relating to the bill, H. 909, was adopted.

Yeas 78; Nays 0.

Yea:

Mr. Speaker, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Fuller, Gaines, Gaston, Gipson, Guin, Hall (A), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hogan, Houston, Jackson, Johnson (E), Jorgensen, Kennedy, Knight (A), Laird, Layson, Letson, Lindsey, Maul, McAdory, McDaniel, McMillan, Melton, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, White and Willis.

-78

And the bill:

H. 909. (With Amendment): To amend Section 11-50-313 of the Code of Alabama 1975, to allow the restructuring and appointment of members of the waterworks and sewer board pursuant to local legislation.

was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Government, said committee amendment being as follows:

On page 1, line 19, after the word "board" insert the following: in any Class 5 municipality

On page 2, line 3, after the word "board" insert the following: in any Class 5 municipality

On page 2, lines 8 and 9, after the "(a)" delete the language: ~~Each Except as otherwise provided by local legislation, each~~ and insert in lieu thereof: Each

On page 2, line 17, after the period insert the following underlined language:

Any corporation, located in any Class 5 municipality, which is governed by a local law enacted in the 1995 Regular Session may have a governing body which shall consist of seven members.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 74; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Box, Boyd, Burke, Carns, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dukes, Flowers, Gaines, Gaston, Gipson, Guin, Hall (A), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Jorgensen, Knight (A), Layson, Letson, Lindsey, Maull, McAdory, McDaniel, McMillan, Melton, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Petelos, Pringle, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, White and Willis.

-74

And the bill:

H. 909. To amend Section 11-50-313 of the Code of Alabama 1975, to allow the restructuring and appointment of members of the waterworks and sewer board in any Class 5 municipality pursuant to local legislation.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 74; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Carns, Clark (W), Clouse, Collins, Crigler, Curry, Dukes, Flowers, Gaines, Gipson, Guin, Hall (A), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Jorgensen, Knight (A), Layson, Letson, Lindsey, Maull, McAdory, McDaniel, McMillan, Melton, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Petelos, Pringle, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, White and Willis.

-74

BUDGET ISOLATION RESOLUTION OFFERED

Representative Burke offered the motion to adopt the Budget Isolation Resolution relating to the bill, H. 684.

MOTION TO ADJOURN LOST

The motion offered by Representative Sanderson that the House adjourn until 9:15 o'clock a.m., Thursday, July 13, 1995, was lost.

Yeas 15; Nays 67.

Yea:

Representatives Bandy, Black (L), Boyd, Buskey, Graham, Hayden, Hogan, Houston, Maull, McAdory, Millican, Mitchell, Rogers (J), Sanderson and Seibenhener.

-15

Nay:

Mr. Speaker, Black (M), Box, Burke, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Guin, Hall (A), Hamilton, Haney, Hawk, Hawkins, Hilliard, Hinshaw, Hooper, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Layson, Letson, Lindsey, McClammy, McDaniel, McKee, McMillan, Melton, Moore, Morrison, Morrow, Morton, Murphree, Page, Papucci, Parker (T), Payne, Penry, Petelos, Pringle, Rogers (M), Sanderford, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Warren, Willis and Wren.

-67

SPECIAL ORDER CALENDAR RESUMED

BUDGET ISOLATION RESOLUTION ADOPTED

The question was then on the motion offered by Representative Burke to adopt the Budget Isolation Resolution relating to the bill, H. 684, and the Budget Isolation Resolution was adopted.

Yeas 90; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean,

Dolbare, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Murphree, Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-90

And the bill:

H. 684. Reopening, for a certain time, the Teachers' Retirement System for purchase of certain service credit by certain active members for certain prior service rendered to an employer who may join the system pursuant to Section 16-25-10.7, Code of Alabama 1975, but has not elected to participate.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 90; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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MOTION TO SUSPEND RULES LOST

The motion offered by Representative Hooper to suspend the rules in order to take up out of order the bill, H. 854, was lost, lacking a four-fifths vote.

Yeas 50; Nays 17.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Box, Carns, Clark (W), Clouse, Collins, Crigler, Dean, Dolbare, Dukes, Ford, Gaines, Galliher, Gaston, Guin, Haney, Hawk, Hawkins, Hill, Hogan, Hooper, Houston, Jorgensen, Knight (A), Laird, Lindsey, Maull, McAdory, McKee, McMillan, Moore, Morton, Papucci, Payne, Penry, Petelos, Pringle, Reed, Rogers (J), Sanderson, Sims, Smith, Spratt, Thomas (D), Townsend, Willis and Wren.

-50

Nay:

Representatives Bandy, Black (L), Buskey, Flowers, Hall (L), Hamilton, Hayden, Knight (J), McClammy, Minnifield, Mitchell, Morrison, Morrow, Page, Parker (P), Turnham and White.

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**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 724. To make an appropriation from the Alabama Special Educational Trust Fund in the sum of \$100,000 for the support and maintenance of the Birmingham Children's Theatre for the fiscal year ending September 30, 1996, and to require an operations plan and audited financial statement prior to release of any funds.

TOMMY CARTER
Chairman

And the bill, H. 724, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 913. To make an appropriation of \$100,000 from the State General Fund to the Shoals Entrepreneurial Center for the fiscal year ending September 30, 1996, and to require an operations plan and an audited financial statement prior to release of any funds.

TOMMY CARTER
Chairman

And the bill, H. 913, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 263. To make an appropriation of \$114,044 from the Education Trust Fund to certain YMCA programs and Boys and Girls Club programs for the fiscal year ending September 30, 1996, and requires an operations plan and audited financial statement prior to release of any funds.

TOMMY CARTER
Chairman

And the bill, H. 263, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 761. To make an appropriation of \$20,000 from the Alabama Special Educational Trust Fund to the Exploreum Museum of Discovery for the fiscal year ending September 30, 1996, and to require an operations plan and audited financial statement prior to release of any funds.

TOMMY CARTER
Chairman

And the bill, H. 761, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 749. Relating to county roads; to establish the Rural Access Program; to provide definitions; to describe the sources of revenue for the program; to provide the distribution and appropriation of revenues for the Rural Access Program; to provide for the use of the funds; to provide that appropriations for the Rural Access Program are capital outlay appropriations; to provide that Rural Access Program Funds shall be matched by county funds and that they may be used for a portion of the county matching share of any federally funded county projects; to provide for obligation limitations; to provide that the Transportation Director shall have sole authority to promulgate rules and regulations for the operation of the Rural Access Program; to provide that the Department of Transportation shall specify design criteria for county projects; to provide that county projects shall be approved by the Department of Transportation; to provide that any county eligible for aid under this act shall have a professional licensed county engineer; to provide that the county shall furnish project design, supervision of construction, and acquisition of right-of-way for county projects at the expense of the county; to provide that county projects shall be let to contract by the Department of Transportation; to provide that unobligated funds shall revert and be redistributed to other counties at the end of a three fiscal year period; to provide that any county road projects constructed pursuant to this act shall be maintained by the county and shall meet maintenance standards established by the Department of Transportation or further funding pursuant to this act shall be withheld; to provide that if a house bill whose purpose is to strengthen gasoline and motor fuel tax laws to eliminate fuel tax evasion does not become law, this act shall not become effective.

Also:

H. 751. Relating to the disposition of surplus personal property owned by the Alabama State Department of Transportation; to provide that the Alabama Department of Transportation may promulgate administrative rules and regulations for the disposition of the surplus personal property of the department; to provide that the Department of Transportation may sell surplus personal property at fair market value to incorporated cities, counties, volunteer fire departments, boards of education, civil defense agencies, or state departments, boards, bureaus, commissions, or agencies; to provide that the Department of Transportation shall make available surplus personal property for inspection and publish a list of all surplus personal property available to sell by the Department of Transportation; to provide for the disposition of all surplus personal property owned by the Department of Transportation with the exception of property the disposal of which is otherwise provided for by law or which, by nature, is incapable of sale by auction

or bid shall be let by free and open competitive public auction or sealed bids; to provide for advertisement of the auction; to provide for certain rules and regulations concerning bidding; to provide for the method of payment for the surplus personal property sold; to provide for the disposition of the proceeds of the sales of surplus personal property; to provide that no officer or employee of the state or any of its departments, boards, commissions, institutions, corporations, or agencies shall act as an agent for any bidder; and to provide for an effective date.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the foregoing Report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 871. To pledge and appropriate such amounts as may be necessary to pay and to redeem prior to their respective maturities the principal of and the interest on any issue of bonds and refunding bonds of the Alabama Incentives Finance Authority from the revenues retained by the state of Alabama from the in-lieu-of-taxes payments made by the Tennessee Valley Authority following the distribution of a portion of such payments to certain counties in the State of Alabama as provided in Section 40-28-2 of the Code of Alabama 1975, and the pledge and appropriation of TVA payments pursuant to Section 41-9-783 of the Code of Alabama 1975, for the Tennessee Valley Exhibit Commission Bonds outstanding on the effective date of this Act.

Also:

H. 872. To authorize the incorporation of Alabama Incentives Financing Authority; to provide for its governance and to confer upon it certain powers; to grant to the authority the power to issue or guarantee not exceeding \$150,000,000 principal amount bonds for the purpose of financing industrial and research facilities and training facilities and paying management fees referable to any such

training facilities; to appropriate to the authority for payment of debt service on debt obligations of the authority and related ongoing financing costs and other obligations of the authority so much as may be necessary of the revenues retained by the state from the in-lieu-of-taxes payments made by The Tennessee Valley Authority; to authorize the pledge by the authority of the funds so appropriated and certain other funds available to the authority for payment of its obligations; to provide for the manner of ownership, operation, leasing, and disposition of facilities directly or indirectly financed by the authority; to provide for the manner of issuing and securing its obligations and providing for the incontestability thereof under certain conditions; to grant tax exemptions respecting the bonds of the authority, the interest thereon, and the authority's property and operations and other exemptions; to exempt the authority from the jurisdiction of certain state agencies and from competitive bid laws; and to provide for the dissolution of the authority.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the foregoing Report of the Standing Committee on Rules.

SPECIAL ORDER CALENDER RESUMED

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Turner, the Budget Isolation Resolution relating to the bill, H. 658, was adopted.

Yeas 63; Nays 15.

Yea:

Mr. Speaker, Allen, Boyd, Carns, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jorgensen, Knight (A), Layson, Lindsey, McAdory, McDaniel, Melton, Minnifield, Mitchell, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (T), Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Spratt, Townsend, Turner, Turnham, Vance, Venable and Warren.

Nay:

Representatives Baker, Bandy, Black (M), Buskey, Hooper, Knight (J), Letson, Maull, McClammy, McKee, Millican, Parker (P), Payne, Thomas (D) and Willis.

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And the bill:

H. 658. (With Amendment): To amend Section 32-1-4, Code of Alabama 1975, relating to the arrest of a person for driving with a revoked driver's license; to provide for the arrest of a person driving while his or her driver's license or privilege is revoked or suspended, and to further provide for the impoundment and the redemption or sale of a motor vehicle driven by a person whose driver's license has been revoked or suspended.

was taken up.

TIME TO DEBATE EXPIRED

In accordance with the resolution, H.R. 363, the time to debate the bill, H. 658, and the pending amendment reported by the Standing Committee on Judiciary expired and the Speaker proceeded to the next bill on the Special Order Calendar.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Turner, the Budget Isolation Resolution relating to the bill, H. 659, was adopted.

Yeas 34; Nays 20.

Yea:

Mr. Speaker, Box, Burke, Clouse, Collins, Crigler, Dolbare, Gipson, Guin, Hamilton, Haney, Hawkins, Hill, Hinshaw, Hogan, Jorgensen, Layson, Letson, Morrison, Morton, Murphree, Newton (C), Page, Papucci, Parker (T), Reed, Rogers (M), Sims, Smith, Spratt, Townsend, Turner, Warren and Wren.

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Nay:

Representatives Bandy, Black (L), Boyd, Gaines, Hall (A), Hayden, Houston, Knight (J), Maull, McClammy, McKee, Millican, Minnifield, Morrow, Payne, Robinson, Thomas (D), Turnham, Vance and White.

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And the bill:

H. 659. To amend Section 32-6-65 of the Code of Alabama 1975, relating to motor vehicle registration; to require a copy of the current registration of a motor vehicle to be kept in the motor vehicle at all times; and to provide for penalties.

was read a third time at length and lost.

Yeas 30; Nays 39.

Yea:

Mr. Speaker, Box, Burke, Clouse, Collins, Crigler, Curry, Dolbare, Fuller, Guin, Hamilton, Haney, Hill, Hilliard, Hogan, Jorgensen, Layson, Letson, Lindsey, McMillan, Melton, Newton (C), Page, Reed, Rogers (M), Sanderson, Spratt, Townsend, Turner and Warren.

-30

Nay:

Representatives Baker, Bandy, Black (L), Boyd, Flowers, Gaines, Galliher, Graham, Hall (A), Hall (L), Hawk, Hawkins, Hayden, Hinshaw, Houston, Jackson, Knight (A), Knight (J), Maull, McAdory, McClammy, McDaniel, McKee, Millican, Minnifield, Morrow, Murphree, Papucci, Parker (P), Payne, Robinson, Rogers (J), Seibenhener, Smith, Thomas (D), Thomas (J), Turnham, Vance and White.

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PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative Allen intended to vote "Nay" on the bill, H. 659, which was lost.

MOTION TO SUSPEND RULES LOST

The motion offered by Representative Flowers to suspend the rules in order to take up out of order the bill, H. 854, was lost, lacking a four-fifths vote.

Yeas 36; Nays 35.

Yea:

Mr. Speaker, Allen, Box, Burke, Carns, Clouse, Crigler, Dean, Flowers, Ford, Gaines, Gaston, Guin, Haney, Hawkins, Hogan, Hooper, Houston, Jorgensen, Laird, McKee, McMillan, Morrison, Morton, Newton (C), Papucci, Payne, Penry, Pringle, Sanderson, Seibenhener, Smith, Thomas (D), Townsend, Warren and Wren.

-36

Nay:

Representatives Bandy, Black (L), Buskey, Dolbare, Galliher, Hall (A), Hall (L), Hamilton, Hawk, Hayden, Hill, Hilliard, Hinshaw, Jackson, Knight (A), Knight (J), Letson, McAdory, McClammy, McDaniel, Melton, Millican, Minnifield, Mitchell, Morrow, Murphree, Page, Parker (P), Robinson, Rogers (J), Sims, Spratt, Turnham, Vance and White.

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BUDGET ISOLATION RESOLUTION OFFERED

Representative Knight (J) offered the motion to adopt the Budget Isolation Resolution relating to the bill, H. 720.

TIME TO DEBATE EXPIRED

In accordance with the resolution, H.R. 363, the time to debate the bill, H. 720, and the pending Budget Isolation Resolution expired and the Speaker proceeded to the next bill on the Special Order Calendar.

BUDGET ISOLATION RESOLUTION OFFERED

Representative Sims offered the motion to adopt the Budget Isolation Resolution relating to the bill, H. 420.

TIME TO DEBATE EXPIRED

In accordance with the resolution, H.R. 363, the time to debate the bill, H. 420, and the pending Budget Isolation Resolution expired and the Speaker proceeded to the next bill on the Special Order Calendar.

H.R. 363 AGAIN TAKEN UP

And the resolution, H.R. 363, was again taken up.

Representative Sims offered the following substitute to the resolution, H.R. 363:

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES: That immediately upon the adoption of this resolution, the following business, in the order set forth below, shall be the special and paramount order of business for the 25th legislative day, Wednesday, July 12, 1995, taking precedence over the

regular order of business. Consideration of the following bills and the accompanying BIR shall be limited to a total of 10 minutes. Any bill that fails to pass within the 10-minute period will automatically revert to its position on the regular order calendar. These bills are not subject to motions to carry over temporarily or otherwise.

And the following bills:

Inst Id

H. 390 - By Warren (As Substituted) 113

Motor vehicles, Forest Education, distinctive license plates, Forest Stewardship Education Fund, estab., Forest Stewardship Education Committee, estab., fees, distrib.

H. 52 - By Graham 109

Teachers and ed. personnel, Catastrophic Sick Leave Program, donation of sick leave bank plan, membership requirements, Sec. 16-22-9 am'd.

H. 858 - By Pringle 122

Water and Sewer Utilities System, cert. exempt from sales and use tax, Sec. 11-50-354 am'd.

H. 835 - By Starkey 122

Rainbow Omega, Inc., sales and use tax exempt

H. 610 - By Hall (A) (As Amended) 68

Firefighters, written response from employer to proposals from labor union, procedure, Sec. 11-43-143 am'd.

H. 628 - By Carns (As Amended and Substituted) 91

Pornography, criminal offense of distribution or possession with intent to distribute, penalty for second or third offense, Sec. 13A-12-200.2 am'd.

H. 909 - By Rogers (M) (As Amended) 163

Public utilities, composition of the mun. waterworks and sewer bd. to reflect ratio of the customer base, provided for, Sec. 11-50-313 am'd.

H. 684 - By Burke	124
Teachers' Retirement System, reopened to allow cert. membs. to purchase credit for cert. time period	
H. 658 - By Turner (As Amended)	74
Driver's license, driving with revoked or suspended, impoundment of vehicle, redemption or sale of motor vehicle, Sec. 32-1-4 am'd.	
H. 659 - By Turner	81
Motor vehicles, registration req. to be kept in vehicle, Sec. 32-6-65 am'd.	
H. 720 - By Knight (J) (As Amended)	95
Public records, personnel records, access to alt., Sec. 36-12-40 am'd.	
H. 584 - By Sims	24
Law enforcement training schools, estab., alt., Sec. 36-21-45 am'd.	
H. 797 - By Clouse (As Amended)	93
Social workers, licensing of bachelor social workers, ed qualifications alt., Sec. 34-30-22 am'd.	
H. 301 - By Hamilton	111
Rescue Units, cert., sales and use tax exempt, Sec. 40-23-5 am'd.	
H. 578 - By McDaniel	149
Motor vehicles, dealer tags for wholesale and retail sales incr., Sec. 40-12-264 am'd.	
H. 853 - By Payne (As Amended and Substituted)	162
Postsecondary Education Equity Fund, conditional approp.	
H. 738 - By Hooper	112
Retired State Employees' Association, employees auth. to join st. employees' health insurance plan	

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H. 152 - By Box	1
Boards of Registrars, voter files, maintenance activities, names purged	
H. 640 - By Wren	78
Syphilis, requirement of premarital testing abolished, Sec. 22-11A-15 repealed	
H. 200 - By McDaniel (As Substituted)	154
Taxation, utility tax exemptions provided for, Sec. 40-21-83 am'd.	
H. 769 - By Letson	120
Lawrence Co., bd. of registrars, meeting days incr., Sec. 17-4-156 am'd.	
H. 935 - By Hinshaw (As Substituted)	143
Developmentally disabled, bill of rights, estab.	
H. 395 - By Morrow	87
Tax, penalties for failure to timely file, payment provided, Sec. 40-2A-11 am'd.	
H. 725 - By Moore (As Amended)	118
Employees' Retirement System reopen for prior service with a district attorney, Sec. 36-27-57 am'd.	
H. 526 - By Curry	42
Firefighters Annuity Fund, estab., bd. of trustees, exec. dir.	
H. 544 - By Melton (As Amended)	161
Colleges, historically black, Alabama Commission on Historically Black Colleges and Universities, estab., board, powers, appointments, approp.	

The following bills are not subject to the 10-minute limitation, and are subject to motions to carry over temporarily or otherwise.

H. 854 - By Hooper	94
Court orders re disbursement of st. funds, legis. approval req., const. amend.	
H. 655 - By Hooper (As Amended)	60
Judicial Inquiry Commission, composition and powers, estab., const. amend.	
S. 217 - By Waggoner (As Amended)	57
Employees' Retirement System, participation by cert. co. officers in lieu of a supernumerary system, const. amend.	
H. 857 - By Turnham	106
Agriculture, fees for inspection, feed, fertilizer, and pesticides, Secs. 2-21-24, 2-22-4, 2-22-9, 2-23-5, 2-27-9 am'd.	
H. 343 - By Sanderson	48
Abortion, parental consent, procedure alt., add'l documents and identification required, civil cause of action estab., Sec. 26-21-3 am'd.	
H. 326 - By Laird	10
Abortion clinics, required to maintain cert. limit of liability insurance	
H. 318 - By Johnson (R) (As Amended)	47
Abortion, hospitals req. to report patients admitted due to complications	
H. 338 - By Hooper (As Amended)	49
Health care services, effective consent by minor, access to medical records, Secs. 22-8-4, 22-8-6, 22-8-9 am'd.	
H. 333 - By Carns	48
Abortion, voluntary and informed consent of women req., consent defined, civil and criminal penalties, health dept. req. to distrib. cert. materials	

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H. 210 - By Hill 4

Checks, bad check charge incr., Sec. 8-8-15, 12-17-224,
13A-9-13.1, 13A-9-13.2 am'd.

H. 462 - By Parker (T) (As Amended and Substituted) 2

Motor vehicles, seizure of vehicle driven by person with
suspended driver's license, procedures, distrib. of fees,
penalties

H. 158 - By Crigler (As Amended) 16

Agriculture or seafood, disparagement, crime of further
defined, civil action extended, Secs. 6-5-620, 6-5-621,
6-5-624 am'd.

H. 848 - By Curry (As Amended) 150

Drug Education and Awareness Oversight Council, estab.,
membs., powers, provide grants for drug ed. and awareness
programs, approp.

H. 258 - By Curry (As Substituted) 150

Project DARE and DON'T, approp.

H. 243 - By Fuller (As Substituted) 151

Special Schools, approp.

H. 263 - By Knight (J) (As Substituted) 151

Benjamin Barnes YMCA, Cleveland Avenue YMCA, Western
Area Family Branch YMCA, Boys and Girls Club, approp.

H. 724 - By Rogers (J) (As Substituted) 152

Birmingham Children's Theatre, approp.

H. 823 - By Fuller 152

Educational Resources, Inc., approp.

H. 832 - By Fuller	153
Humanities Foundation, approp.	
H. 668 - By Fuller (As Substituted)	153
Alabama Sports Festival, approp.	
H. 846 - By Laird	132
Pardons, Governor required to sign, Sec. 15-22-36 am'd.	
S. 338 - By Bailey	156
Driving Under the Influence, blood alcohol content lowered, fine incr., Sec. 32-5A-191, am'd., Act 94-652, 1994 Reg. Sess. am'd.	

RESOLUTIONS

The following resolution was introduced and distributed according to Joint Rule 11:

By Representative Hall (A):

H.R. 366. COMMENDING THE MANY AGENCIES AND VOLUNTEERS WHO AIDED IN THE TORNADO CRISIS OF THE STATE OF ALABAMA.

Also:

The following resolutions were introduced:

By Representative Hall (A):

H.J.R. 367. COMMENDING THE MANY AGENCIES AND VOLUNTEERS WHO AIDED IN THE TORNADO CRISIS OF THE STATE OF ALABAMA.

The resolution, H.J.R. 367, was read and referred to the Standing Committee on Rules.

Also:

By Representative Layson and Smith:

H.J.R. 368. COMMENDING THE ALABAMA FORESTRY ASSOCIATION FOR OUTSTANDING CONTRIBUTIONS TO LOG A LOAD FOR KIDS 1995.

The resolution, H.J.R. 368, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senators Dial, Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Davidson, Denton, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom:

S.J.R. 137. HONORING MAJOR GENERAL JAMES E. MOORE ON THE OCCASION OF HIS RETIREMENT, JULY 7, 1995.

McDOWELL LEE
Secretary

SENATE MESSAGE

The resolution, S.J.R. 137, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

RESOLUTIONS

The following resolutions were introduced:

By Representative Guin:

H.R. 369. EXPRESSING OPPOSITION TO CONGRESS OF PENDING BILLS TO REDUCE BENEFITS FOR COAL MINERS.

The resolution, H.R. 369, was read and referred to the Standing Committee on Rules.

Also:

By Representative Guin:

H.J.R. 370. EXPRESSING OPPOSITION TO CONGRESS OF PENDING BILLS TO REDUCE BENEFITS FOR COAL MINERS.

The resolution, H.J.R. 370, was read and referred to the Standing Committee on Rules.

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

By Representatives Dolbare and Jackson:

H.R. 371. COMMENDING THE RETIRED SENIOR VOLUNTEERS PROGRAM (RSVP) FOR OUTSTANDING ACHIEVEMENT.

Also:

By Representative Millican:

H.R. 372. MOURNING THE DEATH OF DANNY MCDANIEL OF WINFIELD, ALABAMA, JULY 3, 1995.

Also:

The following resolution was introduced:

By Representative Millican:

H.J.R. 373. MOURNING THE DEATH OF DANNY MCDANIEL OF WINFIELD, ALABAMA, JULY 3, 1995.

The resolution, H.J.R. 373, was read and referred to the Standing Committee on Rules.

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

By Representative Flowers:

H.R. 374. COMMENDING WILL HEATH FOR OUTSTANDING ACHIEVEMENT IN SCOUTING.

Also:

By Representative Black (M):

H.R. 375. COMMENDING JOY TRUMP HAMLET FOR HER LIFETIME COMMUNITY SERVICE.

Also:

The following resolutions were introduced:

By Representative Black (M):

H.J.R. 376. COMMENDING JOY TRUMP HAMLET FOR HER LIFETIME COMMUNITY SERVICE.

The resolution, H.J.R. 376, was read and referred to the Standing Committee on Rules.

Also:

By Representative Smith:

H.J.R. 377. COMMENDING ALVIN ELLISON FOR OUTSTANDING SERVICE TO THE CHILTON COUNTY RESCUE SQUAD AND TO THE COMMUNITY.

The resolution, H.J.R. 377, was read and referred to the Standing Committee on Rules.

Also:

By Representative Page:

H.J.R. 378. URGING CONGRESS TO PERMIT FULL CONCURRENT RECEIPT OF MILITARY LONGEVITY RETIREMENT AND SERVICE CONNECTED DISABILITY BENEFITS.

The resolution, H.J.R. 378, was read and referred to the Standing Committee on Rules.

Also:

By Representative Crigler:

H.J.R. 379. MOURNING THE DEATH OF MR. ARTHUR EUGENE LANCASTER, SR., JULY 1, 1995.

The resolution, H.J.R. 379, was read and referred to the Standing Committee on Rules.

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

By Representative Graham:

H.R. 380. COMMENDING ROBERTA ALISON BAUMGARDNER FOR OUTSTANDING CONTRIBUTIONS TO THE CENTRAL ALABAMA COMMUNITY COLLEGE AND TO THE ALEXANDER CITY COMMUNITY.

Also:

By Representative Turnham:

H.R. 381. COMMENDING WILBUR B. DEVALL ON AN OUTSTANDING CAREER AND HIS 80TH BIRTHDAY.

Also:

The following resolution was introduced:

By Representative Rogers (J):

H.J.R. 382. ESTABLISHING AN ADVISORY COMMITTEE TO STUDY THE FEASIBILITY OF ALLOWING MEMBERS OF THE LEGISLATURE TO PARTICIPATE IN A RETIREMENT PLAN OR IN AN HONORARY MEMBERSHIP POSITION.

The resolution, H.J.R. 382, was read and referred to the Standing Committee on Rules.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Representative Johnson (E):

H.R. 383. HONORING REVEREND WILLIAM M. SMITH AND FIRST LADY MRS. KATIE SMITH ON THE OCCASION OF THEIR 19TH ANNIVERSARY AT FIRST BAPTIST CHURCH MOUNTAIN PARK IN BIRMINGHAM, ALABAMA.

Also:

The following resolution was introduced:

By Representative Johnson (E):

H.J.R. 384. HONORING REVEREND WILLIAM M. SMITH AND FIRST LADY MRS. KATIE SMITH ON THE OCCASION OF THEIR 19TH ANNIVERSARY AT FIRST BAPTIST CHURCH MOUNTAIN PARK IN BIRMINGHAM, ALABAMA.

The resolution, H.J.R. 384, was read and referred to the Standing Committee on Rules.

CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the House Joint Resolutions and House Bills mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 3:10 P.M. on July 12, 1995.

H.J.R. 337

H. 849

H. 576

H. 557

H. 737

H. 591

H. 773

H. 831

H. 732

H.J.R. 343

H. 65 H.J.R. 344

H. 377 H. 800

H. 401 H. 454

H. 826 H. 679 (Executive Amendment)

H. 828 H. 539

H. 829 H. 101

Delivered to the Governor at 4:05 P.M. on July 12, 1995.

H. 754

Delivered to the Secretary of State at 3:20 P.M. on July 12, 1995.

H. 830 (Constitution Amendment)

Delivered to the Governor at 4:05 P.M. on July 12, 1995.

H. 625

H. 691

H. 149

Delivered to the Governor at 5:50 P.M. on July 12, 1995.

H. 749

H. 751

H. 871

H. 872

GREG PAPPAS
Clerk

ADJOURNMENT

On motion of Representative Ford, the House adjourned until 9:15 o'clock a.m., Thursday, July 13, 1995.

TWENTY-SIXTH DAY

**House of Representatives
Montgomery, Alabama
Thursday, July 13, 1995**

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Dr. Donald Hoke, Senior Interim Minister, Trinity Presbyterian Church, Montgomery, Alabama.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Kyle Wooley, 7th Grade, Edgewood Academy, Wetumpka, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the twenty-fifth legislative day and finds the same to be correct.

TOMMY CARTER
Chairman

On motion of Representative Ford, the reading at length of the Journal of the House for the twenty-fifth legislative day was dispensed with.

LEAVES OF ABSENCE

At the request of Representative Knight (J), leave of absence was granted for Representative Holmes.

Also:

At the request of Representative Ford, leave of absence was granted for Representative Carter.

MOTION TO ADJOURN ADOPTED

The motion offered by Representative Hammett that when the House adjourns today, it adjourns to meet again at 1:00 o'clock p.m. on Monday, July 24, 1995, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 7. COMMENDING THE LIBERTY MIDDLE SCHOOL LIONETTES DANCE TEAM, MADISON, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

On motion of Representative Ford, the House concurred in and adopted the resolution, S.J.R. 7.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 137. HONORING MAJOR GENERAL JAMES E. MOORE ON THE OCCASION OF HIS RETIREMENT, JULY 7, 1995.

On motion of Representative Ford, the House concurred in and adopted the resolution, S.J.R. 137.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.R. 369. EXPRESSING OPPOSITION TO CONGRESS OF PENDING BILLS TO REDUCE BENEFITS FOR COAL MINERS.

WHEREAS, the health insurance benefits of nearly 100,000 retired coal miners, with an average age of 73, are in jeopardy due to pending bills in the United States Congress; and

WHEREAS, the coal mining industry is vital to the economy of Alabama and other states threatened by these pending bills; and

WHEREAS, these bills, if enacted, could relieve more than 400 corporations and companies from contributing into a health care fund established to replace several financially-troubled funds and would result in severe hardship to retired coal miners, imperil the economic stability of the communities in which these miners live, and would impose additional fiscal burdens on the social service systems of the various states; and

WHEREAS, most of the retirees that would be affected worked their entire lives in appallingly dangerous and severe conditions, and to now deny benefits is unthinkable to fair-minded persons throughout the country; now therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, That we hereby express our strongest opposition to the passage or consideration of any pending bills before the United States Congress that would eliminate or reduce benefits for coal miners and their widows.

RESOLVED FURTHER, That a copy of this resolution be sent to each member of the Alabama Congressional Delegation, and to the Speaker of the U. S. House of Representatives and the President of the U.S. Senate as an expression of our opposition.

On motion of Representative Ford, the resolution, H.R. 369, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 47. DESIGNATING THE WEEK OF MAY 14-20, 1995, AS "EMERGENCY MEDICAL SERVICES WEEK" IN ALABAMA.

On motion of Representative Ford, the House concurred in and adopted the resolution, S.J.R. 47.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 367. COMMENDING THE MANY AGENCIES AND VOLUNTEERS WHO AIDED IN THE TORNADO CRISIS OF THE STATE OF ALABAMA.

WHEREAS, it is with great pride and utmost pleasure that the Alabama Legislature highly commends those numerous agencies and volunteers who assisted in the tornado disaster of the New Market, Alabama, area; and

WHEREAS, in the aftermath of a tornado which caused destruction in many areas of the State of Alabama, numerous agencies and volunteers generously donated materials and time to assist the New Market Volunteer Fire Department and the citizens of New Market to restore the community; and

WHEREAS, these volunteers and agencies are well-deserving of this special recognition in honor of their outstanding generosity and selfless devotion to help, and they are: Wilson Lumber Company, Schwarze Industries, Sharp Communication, Spencer Ice Company (Guy Spencer), Ardmore Telephone Company, United Parcel Service, New Market Homemakers Club, Rita Cusack and Family, Manley Backhoe Service, Dean and Sons Plumbing, New Hope Fire Department, Hazel Green Fire Department, Moores Mill Fire Department, Central Fire Department, Killingsworth Cove Fire Department, Big Cove Fire Department, Paint Rock Fire Department, New Market Fire Department, Keel Mountain Fire Department, Redstone Fire Department, Gurley Fire Department, Twickenham Church of Christ, New Market Baptist Church, New Market United Methodist Church, State Line Church of Christ, Trinity Methodist Church, Trinity Baptist Church, Church of Jesus Christ of Latter Day Saints, New Market Presbyterian Church, Mennonite Church, Madison Baptist Association, Becks Market, Food

Valu, Bradys Super Value, Ole Hickory Barbecue, and Bill Lawhorn of Luckys Meridianville; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby join with the New Market Fire Department and the citizens of New Market to express our deepest gratitude to the numerous volunteers whose generosity during the tornado crisis is so sincerely appreciated, and do furthermore direct that each of the above named be provided a copy of this resolution as evidence of our pride and esteem.

On motion of Representative Ford, the resolution, H.J.R. 367, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 368. COMMENDING THE ALABAMA FORESTRY ASSOCIATION FOR OUTSTANDING CONTRIBUTIONS TO LOG A LOAD FOR KIDS 1995.

WHEREAS, the Alabama Legislature, in highest commendation and esteem, recognizes the Alabama Forestry Association-Alabama Loggers Council for outstanding contributions to the success of the 1995 Log a Load for Kids campaign, a noble effort to benefit Alabama children's hospitals; and

WHEREAS, with total 1995 contributions exceeding \$317,000, Alabama Forestry's Log a Load for Kids has broken its own record for the fourth successive year; and

WHEREAS, it also marks the fourth year in a row that Alabama has surpassed companion efforts now underway in twelve other states, with an astounding four-year total of \$766,000 collected in support of the Children's Miracle Network Telethon to assist in sustaining The Children's Hospital of Alabama, the University of South Alabama Children's & Women's Hospital, and three other area child care centers, with 100 percent of each donation going directly to the hospital designated by the donor; and

WHEREAS, beginning this year, and through 1997, funds collected through Log a Load for Kids, and designated for the Children's Hospital of Alabama, will be used to establish a special team to provide quality, effective and valuable assistance for abused children and those at risk throughout Alabama; and

WHEREAS, in recognition of outstanding leadership, Alabama was selected to represent the entire United States forest industry on the national telethon for 1995, produced by The Osmond Foundation, and originating from Disneyland; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend and congratulate the Alabama Forestry Association on the outstanding achievements and success of their 1995 Log a Load for Kids campaign, and direct that a copy of this resolution be provided as a measure of our gratitude and esteem.

On motion of Representative Ford, the resolution, H.J.R. 368, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 51. COMMENDING MRS. EVA THOMPSON OF MADISON COUNTY AS ALABAMA TEACHER OF THE YEAR.

On motion of Representative Ford, the House concurred in and adopted the resolution, S.J.R. 51.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 370. EXPRESSING OPPOSITION TO CONGRESS OF PENDING BILLS TO REDUCE BENEFITS FOR COAL MINERS.

WHEREAS, the health insurance benefits of nearly 100,000 retired coal miners, with an average age of 73, are in jeopardy due to pending bills in the United States Congress; and

WHEREAS, the coal mining industry is vital to the economy of Alabama and other states threatened by these pending bills; and

WHEREAS, these bills, if enacted, could relieve more than 400 corporations and companies from contributing into a health care fund established in 1992 to replace several financially-troubled funds and would result in severe hardship to retired coal miners, imperil the economic stability of the communities in which these miners live, and would impose additional fiscal burdens on the social service systems of the various states; and

WHEREAS, most of the retirees that would be affected worked their entire lives in appallingly dangerous and severe conditions, and to now deny benefits is unthinkable to fair-minded persons throughout the country; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby express our strongest opposition to the passage or consideration of any pending bills before the United States Congress that would eliminate or reduce benefits for coal miners and their widows.

RESOLVED FURTHER, That a copy of this resolution be sent to each member of the Alabama Congressional Delegation, and to the Speaker of the U.S. House of Representatives and the President of the U.S. Senate as an expression of our opposition.

On motion of Representative Ford, the resolution, H.J.R. 370, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 102. OPPOSING PATIENT SERVICE STANDARDS FOR THE REGULATION OF PHARMACY BY ANY ORGANIZATION OR AGENCY OTHER THAN THE ALABAMA STATE BOARD OF PHARMACY.

On motion of Representative Ford, the House concurred in and adopted the resolution, S.J.R. 102.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 373. MOURNING THE DEATH OF DANNY MCDANIEL OF WINFIELD, ALABAMA, JULY 3, 1995.

WHEREAS, it is with a sense of deep sadness and regret that the Alabama Legislature notes the lamentable death of Danny McDaniel of Winfield, Alabama, July 3, 1995; and

WHEREAS, as Chief Executive Officer and Chairman of the Board of State Bank and Trust, Danny McDaniel earned widespread regard in the community as a brilliant leader and businessman who nurtured State Bank and Trust, expanding the bank to 4 county locations and dramatically increasing assets from \$11 million in 1979 to \$107 million today; and

WHEREAS, a native of Hamilton, Alabama, Danny McDaniel, who attended Florence State University, was active in numerous professional and civic activities

serving as President of the Winfield Chamber of Commerce for two terms, a member of the Board of Directors of the Independent Community Bankers Association of Alabama, and a member of the Lions Club, to name but a few; and

WHEREAS, Danny McDaniel was furthermore a devoted member of First Baptist Church of Winfield where he served as Chairman of the Deacons, and taught Sunday School; he was considered a pillar of the community, and he will be greatly missed by the many he inspired and encouraged; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby grievously mourn the death of Mr. Danny McDaniel of Winfield, Alabama, and extend our heartfelt sympathy to his wife, Sherrian; daughter, Dana; son-in-law, Jeff Davis; grandchildren, Ann Elizabeth and Collins; mother, Hazel Sheffield; and other close family members and friends for whom a copy of this resolution of sincere condolence shall be provided.

On motion of Representative Ford, the resolution, H.J.R. 373, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 376. COMMENDING JOY TRUMP HAMLET FOR HER LIFETIME COMMUNITY SERVICE.

WHEREAS, it is with commendation and praise that the Legislature of Alabama recognizes Joy Trump Hamlet for her supreme gift of service to the Tuscumbia community and First Presbyterian Church, and for the joy she has shared with others; and

WHEREAS, Mrs. Hamlet, whose father was the Reverend W. F. Trump, was born in Tuscumbia, Alabama, in April 1901, and has remained in the Colbert County seat throughout her lifetime; and

WHEREAS, Lucian F. Hamlet, Mrs. Hamlet's husband, was also a native of Tuscumbia, and was the city clerk until he became the city's first manager of utilities, a position he served until his death in 1960 at the age of 59; and

WHEREAS, home-schooled by her father through the sixth grade before entering public school, Mrs. Hamlet graduated from High School in 1918, spent four years at Agnes Scott College and, in the summers, attended Vanderbilt University, Peabody, and the University of California at Berkley; and

WHEREAS, Joy Trump Hamlet played the "pump" organ at prayer meetings at the age of nine, and served with devotion as organist at First Presbyterian Church for 40 years; and

WHEREAS, known as a gracious hostess, Mrs. Hamlet has a special love for young people, whose respect and admiration she has earned with her generous spirit and great sensitivity to the needs of others; and

WHEREAS, Mrs. Hamlet, whose children are Diane Stone and Edward Trump Hamlet, has five grandchildren and seven great grandchildren; and

WHEREAS, recalling her formula for a happy life, Mrs. Hamlet said that the value and character of life originate in the home with prayer and God being at the center; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That it is with great pleasure that we recognize and honor Joy Trump Hamlet, a warm and gracious lady who indeed serves as a worthy role model in her community, and for whom a copy of this resolution shall be provided as an expression of our tribute and esteem.

On motion of Representative Ford, the resolution, H.J.R. 376, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 377. COMMENDING ALVIN ELLISON FOR OUTSTANDING SERVICE TO THE CHILTON COUNTY RESCUE SQUAD AND TO THE COMMUNITY.

WHEREAS, the Alabama Legislature, in highest commendation and praise, recognizes Alvin Ellison for outstanding service to the community as a volunteer with the Chilton County Rescue Squad; and

WHEREAS, through his many years of dedicated commitment in leadership and service, Alvin Ellison as a charter member, has contributed extensively to the strength and success of the Chilton County Rescue Squad, and indeed stands as a worthy representative of this small group of dedicated individuals who give freely and selflessly of their time and skills in an effort to ease suffering and render emergency care to the citizens of Chilton County; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in tribute to outstanding contributions and service to the Chilton County Rescue Squad and to the citizens of Chilton County, we

hereby most highly commend Alvin Ellison, for whom a copy of this resolution shall be provided as a measure of our gratitude and esteem.

On motion of Representative Ford, the resolution, H.J.R. 377, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 379. MOURNING THE DEATH OF MR. ARTHUR EUGENE LANCASTER, SR., JULY 1, 1995.

WHEREAS, it is with a sense of great sadness and regret that the Alabama Legislature grievously mourns the death of Mr. Arthur Eugene Lancaster, Sr., of Mobile County, Alabama, July 1, 1995; and

WHEREAS, a native and lifelong resident of Mobile County, Eugene Lancaster was an active member of Oddfellow's Bay Shore Lodge #247 where he served as Past Grand Master; and

WHEREAS, Eugene Lancaster was indeed an exemplar of good citizenship, and his warm and gentle presence will be greatly missed by the many he encouraged and inspired; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby mourn the lamentable death of Mr. Arthur Eugene Lancaster, Sr., of Mobile County, Alabama, July 1, 1995, and extend heartfelt sympathy to his wife, Dorothy; son, Arthur Eugene, Jr.; five daughters, Cynthia, Rebekah, Janelle, Flora, and Adrienne; and other close family and friends including a sister, grandchildren, nieces, and nephews for whom a copy of this resolution of sincere condolence shall be provided.

On motion of Representative Ford, the resolution, H.J.R. 379, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 382. ESTABLISHING AN ADVISORY COMMITTEE TO STUDY THE FEASIBILITY OF ALLOWING MEMBERS OF THE LEGISLATURE TO PARTICIPATE IN A RETIREMENT PLAN OR IN AN HONORARY MEMBERSHIP POSITION.

WHEREAS, most employees of the executive branch of government are members of the Employees' Retirement System; and

WHEREAS, in 1973 the Legislature passed and the people of the state voted to allow elected members of the judicial branch of government participate in a retirement plan; and

WHEREAS, members of the Alabama Legislature are among the few state officials who are not eligible to participate in the Employees' Retirement System; and

WHEREAS, on July 10, the Supreme Court of Alabama, in an opinion of the Justices, stated that the Legislature may constitutionally create honorary offices to be held by former members of the Legislature and former Lt. Governors and provide for the expenses of such positions, now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is established an advisory committee to study the feasibility of establishing a legislative retirement program or an honorary legislative position. The committee shall gather and study information on other states which provide for legislative retirement programs or such honorary programs, and if it determines that such a program would be both desirable and feasible, develop a proposal to be submitted to the Legislature as provided below. The committee shall be composed of the following members:

1. Three members appointed by the Speaker of the House of Representatives; and
2. Three members appointed by the Lieutenant Governor.

The committee shall meet as soon as practicable after the adjournment of the 1995 Regular Session of the Legislature and shall select from among its members a chair and vice-chair. Upon the request of the chair, the Secretary of the Senate and the Clerk of the House shall provide the clerical assistance necessary for the committee's work. The Chief Executive Officer of the Retirement Systems of Alabama shall provide the committee with the necessary support and expertise that may be required by such committee in its study and evaluation. The committee shall report its findings, conclusions, and recommendations to the Legislature not later than the second legislative day of the 1996 Regular Session or if the Legislature meets in Special Session after October 1, 1995, then on the second legislative day of that Special Session, if held prior to the Regular Session, whereupon the committee shall stand dissolved and discharged of any further duties and liabilities. Any legislative member of the committee shall be entitled to his or her regular legislative compensation, his or her per diem, and travel expenses for each day he or she attends a meeting of the committee. Non legislative members of the committee shall not be entitled to compensation, mileage or per diem expenses for service on the committee.

On motion of Representative Ford, the resolution, H.J.R. 382, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 384. HONORING REVEREND WILLIAM M. SMITH AND FIRST LADY MRS. KATIE SMITH ON THE OCCASION OF THEIR 19TH ANNIVERSARY AT FIRST BAPTIST CHURCH MOUNTAIN PARK IN BIRMINGHAM, ALABAMA.

WHEREAS, it is with great pride and utmost pleasure that the Alabama Legislature honors Reverend William M. Smith and First Lady Mrs. Katie Smith on the occasion of their 19th anniversary at First Baptist Church Mountain Park in Birmingham, Alabama, July 9, 1995; and

WHEREAS, Reverend and First Lady Smith have been willing servants of God, and have provided 19 years of outstanding dedicated leadership to the wonderful congregation at First Baptist Church Mountain Park; and

WHEREAS, on July 9, 1995, Reverend and First Lady Smith were honored at the 19th anniversary observance ceremony which featured guest speakers, joyous singing, and special guests; and

WHEREAS, Reverend and First Lady Smith have earned the respect and admiration of their community and congregation, and are well-deserving of this special recognition in tribute to their many years of selfless service; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby extend highest commendation and warmest congratulations to Reverend William M. Smith and First Lady Mrs. Katie Smith, who are celebrating their 19th anniversary at First Baptist Church Mountain Park of Birmingham, Alabama, and do furthermore direct that a copy of this resolution be provided with best wishes for many more happy years and every future success.

On motion of Representative Ford, the resolution, H.J.R. 384, was adopted.

BILLS ON SECOND READING

Representative Hooper, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 512. Relating to business corporations; to repeal Section 10-2B-15.02, Code of Alabama 1975, which provides consequences for failure of foreign corporations to qualify with the Secretary of State before transacting business in Alabama, and to reinstate the penalties and consequences previously existing in Alabama for failure to so qualify.

S. 462. To further provide for preference given to Alabama persons, firms, or corporations in the awarding of public contracts subject to the State Competitive Bid Law and to amend Section 41-16-27, Code of Alabama 1975.

S. 454. To amend Section 15-22-36 of the Code of Alabama 1975, relating to the granting of pardons and paroles; to provide that a pardon may be granted with the written approval of the Governor.

S. 601. To add Section 40-18-31.1 to the Code of Alabama 1975, to provide a limited one-time election to foreign corporations commercially domiciled outside of Alabama, to confirm as proper their classification of dividends from subsidiaries not doing business in Alabama as nonbusiness income and therefore taxable by the state of their commercial domicile; and to provide an effective date.

Representative Gaines, Chairperson of the Standing Committee on Business and Labor, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 986. To amend Section 25-5-293, Code of Alabama 1975, relating to workers' compensation; to require that utilization review and bill screening be optional.

S. 406. To provide requirements for a drug-free workplace program which enables an employer in the program to qualify for a premium discount on Workers' Compensation insurance; to provide for substance abuse testing procedures relating to the program; to provide for Employee Assistance Programs; to provide for confidentiality of certain information; and to provide for the Department of Industrial Relations to perform certain administrative duties related to the program.

Representative Knight (A), Chairperson of the Standing Committee on Commerce, Transportation and Utilities, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 564. To amend Section 32-9-20 of the Code of Alabama 1975, relating to the size and weight of a motor vehicle; to provide that evidence regarding truck weight restrictions would not be admitted in a civil action when the truck weight does not exceed specified amounts plus the 10 percent scale tolerance.

S. 620. To amend Section 11-98-5 of the Code of Alabama 1975, which relates to emergency telephone service charges; to specify that the maximum tariff rate may be based on the maximum tariff rate charged by any service supplier in the district; and to provide for retroactive effect.

Representative Carns, Chairperson of the Standing Committee on Industrial Development and Economic Growth, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 982. To induce certain industrial manufacturing companies to remain in Alabama and to employ persons in Alabama by allowing annual income tax credits for capital expenditures incurred in the modernization, revitalization, and rehabilitation of certain existing facilities; to provide that a project eligible for the income tax credit granted herein be engaged in operations described in one of the Standard Industrial Classification Major Groups 20 through 39, expend at least \$50,000,000 on modernization, revitalization, and rehabilitation costs, and employ at least 500 persons at an average hourly wage of at least \$8 per hour or an average total compensation, including benefits, of not less than \$10 per hour; to provide that the annual income tax credit granted herein be used to offset income taxes which are attributable to income generated by or arising out of a qualified project; to provide that income generated by or arising out of the qualified project be determined by an agreement between the reporting entity, which owns or leases the qualified project, and the Department of Revenue; to provide that the credit granted herein be income only after all other exemptions, deductions, and credits; to provide that the credit granted herein be available to the ultimate owners of pass-through entities, such as partnerships, limited liability companies, and trusts; to provide that the annual income tax credit granted herein be available for 20 years; and to provide that the Department of Revenue administer the income tax credit.

Representative White, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 926. Relating to the Civil Service Board of the City of Anniston in Calhoun County; to amend Sections 6, 12, and 16 of Act No. 592, S. 456 of the 1953 Regular Session (Acts 1953, p. 838), as amended, to provide for the expense allowance of the members of the board; to increase the number of persons to be considered from the eligible register of the board; and to provide for the total compensation to be paid to members of the board.

H. 954. Relating to the City of Dothan in Houston County, amending Act No. 93-684 of the 1993 Regular Session, to provide further for the manner of electing the members of the Dothan City Board of Education.

H. 983. Relating to Blount County; providing for an expense allowance for the coroner; and repealing Act No. 625 of the 1959 Regular Session (Acts 1959, p. 1529), providing for an expense allowance for the coroner.

H. 984. Relating to Blount County; providing for an expense allowance for each member, except the chair, of the county commission.

S. 529. To alter, rearrange, and extend the boundary lines and corporate limits of the City of Bridgeport in Jackson County.

S. 542. Relating to Morgan County; providing for the expense allowance and salary of the chair and commissioners of the county commission; providing for effective dates and repealing conflicting laws.

S. 543. Relating to Morgan County; providing for an additional expense allowance and salary for the sheriff.

S. 593. Relating to Crenshaw County; amending Act No. 89-486, H. 865, 1989 Regular Session, as amended, which levied a sales and use tax, so as to provide further for the disposition of the proceeds from the tax and to extend the effective date.

Representatives Petelos and Minnifield, Co-Chairpersons of the Standing Committee on Local Legislation No. 2, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 924. Relating the District Attorney's Office, Tenth Judicial Circuit, Jefferson County Birmingham Division; to provide for the appointment, duties, and compensation of deputy district attorneys; and to repeal the following acts: Act No. 523, H. 121, 1975 Regular Session (Acts 1975, p. 1174); Act No. 720, H. 1038, 1987 Regular Session (Acts 1987, p. 1410); Act No. 90-542, H. 637, 1990 Regular Session (Acts 1990, p. 842); and Act No. 93-567, H. 372, 1993 Regular Session (Acts 1993, p. 946); all relating to the office and compensation of the deputy district attorneys in the Tenth Judicial Circuit are specifically repealed.

Representatives Petelos and Minnifield, Co-Chairpersons of the Standing Committee on Local Legislation No. 2, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute and amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 519. (With Substitute) (With Amendment): Relating to Jefferson County; to amend Section 12 of Act No. 248 of the 1945 Legislature (Acts 1945, p. 376, et seq.), as last amended; to promote operational efficiency and control of certain local government employment practices by the local officials thereof; to amend Section 16 of said Act No. 248 of 1945 as last amended, respecting the term of eligible lists; and to amend Section 18 of said Act No. 248 of 1945, as last amended, respecting provisional appointments and appointments of police and firefighters.

Representatives Petelos and Minnifield, Co-Chairpersons of the Standing Committee on Local Legislation No. 2, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 975. Relating to the elected Assistant District Attorney's Office, Tenth Judicial Circuit, Jefferson County Bessemer Division; to provide for the appointment, duties, and compensation of deputy district attorneys; and to repeal the following acts: Act No. 245, H. 845, 1975 Regular Session (Acts 1975, p. 773); Act No. 87-721, H. 896, 1987 Regular Session (Acts 1987, p. 1411); Act No. 90-202, H. 449, 1990 Regular Session (Acts 1990, p. 237); and Act No. 93-648, S. 382, 1993 Regular Session (Acts 1993, p. 1119); all relating to the office and compensation of the deputy district attorneys in the Tenth Judicial Circuit Bessemer Division are specifically repealed.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 763. To appropriate one hundred sixty-five thousand dollars (\$165,000) from the State General Fund in the State Treasury to the Alabama Emergency Management Agency.

H. 887. To make an appropriation of \$50,000 from the State General Fund to the Alabama Mining Museum for the fiscal year ending September 30, 1996, and to require an operations plan and an audited financial statement prior to release of any funds.

H. 968. To exempt the Bethel-Ensley Action Task, Incorporated from the payment of all state, county, and municipal sales and use taxes.

H. 162. To amend Section 40-12-260 of the Code of Alabama 1975; to provide that effective January 1, 1997, license plates, except those issued for antique vehicles, would stay with the owner and not the vehicle; to increase the penalty to \$10 for failure to register a vehicle within 10 days of acquisition, which revenue shall be used for local jurisdiction motor vehicle administration training; to require that proof of ownership be retained in a vehicle subject to registration in this state on or after January 1, 1997, and being operated on the public roads and highways of this state; to provide penalties for violations; and to repeal Section 40-12-266 of the Code of Alabama 1975.

H. 308. To provide for the "Alabama Science in Motion Act of 1995"; to make legislative findings and statements of legislative intent; to assign responsibilities to the State Board of Education and to the State Superintendent of Education for its implementation; to make an appropriation of \$1,492,000 from the Alabama Special Educational Trust Fund to the Education Technology Fund for

1994-95 and 1995-96 fiscal years; and to appropriate any unencumbered funds remaining from the appropriation made in Act No. 94-673 and remaining from this Act after the required expenditures are made.

H. 989. To exempt the Alabama Youth Home in Mountain Brook, Alabama from the payment of all state, county, and municipal sales and use taxes.

S. 460. To amend Section 36-22-63, Code of Alabama 1975, to provide further for purchase of prior service credit in the supernumerary program for sheriffs.

S. 371. To exempt the American Bowling Congress and any predecessor organization or entity from the payment of all state, county, and municipal sales and use taxes.

S. 319. To amend Section 36-27-26, Code of Alabama 1975, relating to proposed legislation affecting the State Employees' Retirement System, to include legislation affecting the Judicial Retirement System.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

S. 300. (With Amendment): To amend Section 40-6A-2, Code of Alabama 1975, which is related to the compensation of tax assessors, tax collectors, revenue commissioners, license commissioners, or other persons charged with assessing and collecting ad valorem taxes in the various counties of this state, so as to increase the minimum salaries provided in the section by \$5,000 in each population bracket; to provide for two additional \$5,000 increases in compensation effective October 1, 1998 and October 1, 1999 respectively; and to provide an effective date at the beginning of the official's next term of office; to amend Sections 40-4-5, 40-5-6, 40-5-14, 40-5-17, 40-7-19, 40-7-32, 40-10-27, and 40-10-29, Code of Alabama 1975, relating to the fees allowed the tax assessors, tax collectors, revenue commissioners, license commissioners, or other ad valorem tax officials, and probate judges of the various counties of this state for performing certain functions and duties of their offices; specifically, Section 40-4-5 relating to the fee allowed for making demand on a taxpayer for his or her list of property to be returned; Section 40-5-6 relating to fees allowed for making actual demand on delinquent taxpayers; Section 40-5-14 relating to the levy and sale of personal property of delinquent taxpayers; Section 40-5-17 relating to securing a writ against delinquent taxpayers who have left the county; Section 40-7-19 relating to making demand upon taxpayers who have failed to make return of taxable property; Section 40-7-32 relating to making returns of property which has escaped taxation; Section 40-10-27 relating to notice to a delinquent property owner to show cause why a decree of sale should not be rendered; and Section 40-10-29 relating to the fee allowed the judge of probate for issuing a tax deed, so as to increase the fees allowed in the sections to \$10.

Representative Turner, Chairperson of the Standing Committee on Local Legislation No. 3, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 451. Relating to Mobile County; amending Act No. 90-697, H. 991, 1990 Regular Session, which provides for the creation, maintenance, and regulation of districts for fighting or preventing fires, to provide further for the election of the members of the board of trustees and for the filling of vacancies.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 704. Providing for distinctive motor vehicle license tags or plates for supporters of the Alabama Sports Festival, Inc., prescribing the fees for the tags or plates; providing for the disposition of the net proceeds from the fees; and providing for a delayed effective date.

Representative Hill, Chairperson of the Standing Committee on Banking, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 501. Relating to Title 7 of the Code of Alabama of 1975, the Uniform Commercial Code, to repeal the current Article 8 and provide for a new Article 8 relating to investment securities and to provide for all of the following: short title and general matters, issue and issuer, transfer of certificated and uncertificated securities, registration, security entitlements, transition provisions for revised Article 8 and conforming amendments to Articles 1, 5, 9, and 10, the perfection of a security interest in investment property in multiple state transactions and in certain other investment property, security interest arising in purchase or delivery of financial assets, conforming amendments to the Alabama Business Corporation Act and the General Statute of Frauds, and shares without certificates under the Alabama Business Corporation Act; to amend Sections 7-9-103, 7-9-105, 7-9-106, 7-9-203, 7-9-301, 7-9-302, 7-9-304, 7-9-306, 7-9-309, and 7-9-312 of the Code of Alabama 1975; to add Sections 7-9-115 and 7-9-116 to the Code of Alabama of 1975; to amend 7-1-105, 7-1-201, 7-1-206, 7-5-114, 7-10-104, and 8-9-2 of the Code of Alabama of 1975; to amend Act 94-245, 1994 Regular Session, now appearing as Sections 10-2B-6.26 and 10-2B-6.27, Code of Alabama 1975; and to specify a prospective effective date.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time and referred to appropriate standing committees as follows:

By Representative Morrison:

H. 991. Relating to registration of certain public offenders and community notification of their release from incarceration; to provide for the transmission of the registration of such persons to the district attorney, certain law enforcement agencies, and the Director of the Department of Public Safety; to require the transmission of conviction data and fingerprints to the Federal Bureau of Investigation; to provide for a central registry; to provide law enforcement access to the central registry and provide for the release of certain information regarding sex offenders to the public when necessary for public protection; to provide for community notification of the impending release of a sex offender; and to establish a notification advisory council to consult with and provide recommendations to the Attorney General concerning the guidelines for community notification.

COMMITTEE ON JUDICIARY

By Representatives Jackson, Black (L), and Hayden (With Notice and Proof):

H. 992. Relating to Marengo County; authorizing the Marengo County Commission to levy a user fee on the issuance of all motor vehicle license tags for passenger automobiles and trucks of any nature in addition to any and all other charges, costs, taxes or fees levied thereon; and providing for the payment, collection and distribution of the net revenues from such user fees.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 992, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Johnson (R):

H. 993. To provide for the licensing and regulation of blind vendor operations on certain public property.

COMMITTEE ON STATE ADMINISTRATION

By Representative Page:

H. 994. Relating to municipal planning and zoning; to amend Section 11-52-3 of the Code of Alabama 1975, providing for the composition and powers of municipal planning commissions to further provide for the composition of the planning commissions in Class 8 municipalities; prohibiting a member of the planning commission from also serving as a member of the zoning board of adjustment; requiring all members of the planning commission to be residents and qualified electors of the city's planning jurisdiction rather than qualified electors of

the city; providing further for the removal of members of the planning commission; to amend Section 11-52-8 of the Code of Alabama 1975, relating to the adoption of a master plan for the physical development of a municipality, to change the procedure from master plan to review and provide further for the documentation and contents of the plan; to amend Section 11-52-9 of the Code of Alabama 1975, to delete specific purposes and contents of the preparation of the master plan relating to the environment, traffic, distribution of the population and adequate public utilities, among other requirements, and providing for a comprehensive plan; to amend Sections 11-52-10 and 11-52-11 of the Code of Alabama 1975, relating to procedures for the adoption of the master plan, to require the municipal governing body to formally adopt any plan instead of the planning commission and provide for the commission to make its recommendations to the municipal governing body on the master plan; to amend Section 11-52-30 of the Code of Alabama 1975, to provide that the county engineer shall review a map or plat of a subdivision prior to the recording or sale of property referenced to the map or plat rather than approve the map or plat and to provide that the county commission may under certain conditions waive the requirement; to amend Section 11-52-32 of the Code of Alabama 1975, relating to the approval or disapproval of the plat by the planning commission and the powers of the planning commission as to subdivision zoning generally, to provide further for the period in which the planning commission may approve or disapprove a plat, the minimum number of affirmative votes for approval by the planning commission, and deleting certain other procedures required of the planning commission for recommendations to the council on amendments to zoning ordinances and maps of the territory within a subdivision; to amend Section 11-52-72 of the Code of Alabama 1975, relating to zoning, to further provide generally for the goals and purposes of zoning ordinances; to amend Section 11-52-80 of the Code of Alabama 1975, relating to the board of adjustment, to delete the power of the chair or acting chair to administer oaths and compel the attendance of witnesses, and providing further for the conditions upon which the board may grant a variance from the terms of an ordinance and providing other technical non-substantive corrections; to repeal Sections 11-52-50 to 11-52-54, inclusive, Code of Alabama 1975, relating to reservation of lands in subdivisions for future acquisition for streets and the procedures therefor; and to repeal Section 11-52-79 of the Code of Alabama 1975, relating to the power of a municipality or town to appoint a zoning commission.

COMMITTEE ON LOCAL GOVERNMENT

RESOLUTIONS

The following resolutions were introduced:

By Representatives McKee:

H.J.R. 385. COMMENDING JON HERRING AS WINNER OF THE SMALL SCHOOL PLAYER OF THE YEAR.

The resolution, H.J.R. 385, was read and referred to the Standing Committee on Rules.

Also:

By Representative Johnson (R):

H.J.R. 386. CREATING THE MEDICAID JOINT INTERIM COMMITTEE.

WHEREAS, the Medicaid program of the State of Alabama is taking a larger and larger portion of the funds in the State Treasury; and

WHEREAS, there exists on a regular basis a crisis situation with the administration of state funds for the Medicaid program; and

WHEREAS, the members of the general public and state officials are becoming concerned over the direction of the federal government in the administration of the program; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a continuing joint select committee to be composed of five members of the House of Representatives and five members of the Senate to be appointed by the presiding officer of each house. The chair and vice chair of the committee shall be elected at the first meeting by the members of the committee. The committee shall study all facets of the Medicaid program. The committee shall also study the impending impact of federal block grants to operate state health and welfare programs. The committee shall have subpoena powers and the power to punish for contempt.

Upon the request of the chair, the Secretary of the Senate and the Clerk of the House shall provide such clerical assistance as may be necessary for the committee's work. The committee shall report its findings, conclusions, and recommendations to the Legislature not later than the fifth legislative day of the 1996 Regular Session and each regular session thereafter. Each member of the committee shall be entitled to his or her regular legislative compensation, per diem, and travel expenses for each day of attendance at a meeting of the committee, which shall be paid out of any funds appropriated to the use of the Legislature, upon warrants drawn on the State Comptroller upon requisitions signed by the committee's chair. Members shall not receive additional legislative compensation or per diem when the Legislature is in session but they shall receive their travel expenses for all meetings attended and any travel upon the business of the committee and the total expenses of the committee shall not exceed seven thousand dollars (\$7,000) per annum.

On motion of Representative Johnson (R), the rules were suspended and the resolution, H.J.R. 386, was adopted.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 57. To make a conditional appropriation from the Alabama Special Education Trust Fund in the State Treasury to the House of Hope, Inc., in Prichard, Alabama, for the fiscal year ending September 30, 1995.

TOMMY CARTER
Chairman

And the bill, H. 57, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 139. To amend Section 34-23-74, Code of Alabama 1975, to provide further for the stocking and dispensing of certain drugs.

Also:

H. 748. To amend sections, 40-1-44, 40-12-190, 40-12-198, 40-12-199, 40-17-1, 40-17-2, 40-17-5, 40-17-6, 40-17-7, 40-17-9, 40-17-14, 40-17-20, 40-17-22, 40-17-203, 40-17-220, and 40-17-221, to further define certain terms and clarify language therein; to further specify refund requirements; to provide for the payment of interest on refunds not processed within 90 days; and to repeal sections 40-17-3, 40-17-4, 40-17-11, 40-17-12, and 40-17-21.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the foregoing Report of the Standing Committee on Rules.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 330. To provide for the regulation and licensure of professional geologists; to provide for the Alabama Board of Licensure for Professional Geologists; to make an appropriation; and to prescribe fines and penalties for violations of this act.

Also:

H. 353. To amend Section 14-1-4 of the Code of Alabama 1975, relating to the Department of Corrections; to prohibit the Department of Corrections from replacing correctional officers with employees in a lower classification; and to prohibit the Department of Corrections from employing outside security guards.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the foregoing Report of the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 235. To make appropriations for the support, maintenance and development of public education in Alabama, for debt service, and for capital outlay for the fiscal year ending September 30, 1996.

McDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Fuller, the House non-concurred in the Senate amendment to the bill, H. 235, and requested the Speaker appoint a Committee on Conference on the disagreement of the two Houses, said Senate amendment being as follows:

A BILL
TO BE ENTITLED
AN ACT

To make appropriations for the support, maintenance and development of public education in Alabama, for debt service, and for capital outlay for the fiscal year ending September 30, 1996.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

SECTION 1. There is hereby appropriated for the support of public education in Alabama for the fiscal year ending September 30, 1996, for debt service, and for capital outlay to be paid out of funds specified in subsection (a) of Section 2 of this Act, the amounts specified in Sections 3 to 4 of this Act. For the purpose specified in subsection (b) of Section 2 of this Act, amounts are shown by programmatic area and the total for all programs is shown so as to include estimated sources of funds other than those listed in subsection (a) of Section 2 of this Act. For the purpose of this Act, "ASETF" shall mean the Alabama Special Educational Trust Fund and "Federal and Local Funds" shall mean all gifts, grants, contributions, or entitlements, including grants by the Congress of the United States, municipalities or counties.

SECTION 2. (a) The appropriations provided for in this Act shall be paid from funds in the State Treasury to the credit of the Alabama Special Educational Trust Fund, Alabama Peace Officers' Standards and Training Fund, and Public School Fund and are hereby made for the support of public education in Alabama for the fiscal year ending September 30, 1996, and the appropriations herein made shall be subject to the provisions, terms, conditions and limitations of the Budget and Financial Control Act (Code of Alabama 1975, Sections 41-4-80 et seq.), the provisions of The Budget Management Act of 1976 (Code of Alabama 1975, Sections 41-19-1 et seq.), and shall be in the amounts hereinafter specified.

(b) Amounts shown herein under the columns "Earmarked Funds" and "Appropriation Total" are as set forth for the purpose of establishing amounts estimated to be available by programmatic area from sources other than those listed in subsection (a) of this Section 2, in order, upon consideration of such other funds so estimated to be available, to promote the accountability for an efficient use of funds available and are hereby appropriated by the Legislature. Provided, however, that regardless of the ending date of any pay period which has been or may be established by the Legislature for the payment of salaries of state employees, the entire payment due shall be made from the fiscal year's appropriation in which the pay date falls.

Fund Sources Included
In Appropriation Total

<u>ASETF</u>	<u>Earmarked Funds</u>	<u>Appropriation Total</u>
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SECTION 3.

A. STATE AGENCIES:

1. AMERICAN LEGION AND
AUXILIARY SCHOLARSHIPS:

(a) Support of Other Educational Activities Program.....	91,634
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SOURCE OF FUNDS:

(1) ASETF.....	<u>91,634</u>
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Total American Legion and Auxiliary Scholarships.....	<u>91,634</u>	<u>91,634</u>
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To be expended under the provisions
of Code of Alabama 1975, Sections
16-31-1 through 16-31-4.

2. ARCHIVES AND HISTORY, DE-
PARTMENT OF:

(a) Historical Education Management Program.....	485,000
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SOURCE OF FUNDS:

(1) ASETF.....	<u>485,000</u>
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Total Department of Archives and History.....	<u>485,000</u>	<u>485,000</u>
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3. ARTS, STATE COUNCIL ON THE:

(a) Fine Arts Program.....	2,838,823
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Capital Outlay.....	100,000
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SOURCE OF FUNDS:

(1) ASETF.....	2,008,423		
(2) Federal and Local Funds.....		930,400	
Total State Council on the Arts.....	2,008,423	930,400	2,938,823

4. BUILDING COMMISSION, STATE:

(a) Special Services Program.....			540,206
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SOURCE OF FUNDS:

(1) ASETF-Transfer.....	540,206		
Total State Building Commission.....	540,206		540,206

5. BUSKEY MATCHING FUNDS -
PENNY TRUST FUND:

(a) Special Services Program, Estimated.....			30,000
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SOURCE OF FUNDS:

(1) ASETF-Transfer.....	30,000		
Total Buskey Matching Funds - Penny Trust Fund.....	30,000		30,000

In accordance with Sections
41-15A-10 through 41-15A-12,
Code of Alabama 1975.

6. CHILD ABUSE AND NEGLECT
PREVENTION BOARD:

(a) Social Services Program.....			991,230
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In accordance with Sections 26-16-1
et seq., Code of Alabama 1975.

SOURCE OF FUNDS:

(1) ASETF.....	991,230		
Total Child Abuse and Neglect Prevention Board.....	991,230		991,230

7. DEBT SERVICE:

(a) Debt Service Program.....	738,702
For payments on endowments as follows:	
For interest and principal on University of Montevallo (Alabama College) Endowment.....	123,958
For interest on Auburn University Endowment.....	20,280
For interest on University of Alabama Endowment.....	61,000
For interest on Grove Hill Endowment.....	600
For interest on Public School Fund Endowment:	
Interest on 16th Section Lands, Estimated.....	410,000
Interest on School Indemnity Lands, Estimated.....	90,000
Interest on Valueless 16th Section Lands.....	5,825
Interest on Surplus Revenue.....	26,764
Interest on James Wallace Fund....	<u>275</u>
Total Interest on Public School Fund Endowment.....	532,864

SOURCE OF FUNDS:

(1) ASETF.....	<u>738,702</u>	
Total Debt Service.....	<u>738,702</u>	<u>738,702</u>

8. DENTAL SCHOLARSHIP
AWARDS, BOARD OF:

(a) Support of Other Educational Activities Program.....	135,393
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SOURCE OF FUNDS

(1) ASETF.....	135,393	
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Total Board of Dental Scholarship Awards.....	135,393	135,393
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To be expended under the provisions of Code of Alabama 1975, Sections 16-47-76 through 16-47-81.

**9. EDUCATION, STATE BOARD OF -
K-12 PUBLIC SCHOOL SYSTEM:**

(a) Foundation Program.....	2,131,901,981
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The Foundation Program shall contain allowances as follows:

(1) An amount for salaries shall be apportioned by the State Superintendent of Education based on the following salary matrix as approved by the State Board of Education.

**Salary Matrix - Certified Personnel
Full-Time at one school - 180 Day Contract
Public School Experience**

Years	BS	MS	6Y	DO	ND
exp ≤ 3	24,887	28,620	30,859	33,099	24,887
3 < exp ≤ 6	27,375	31,482	33,945	36,409	27,375
6 < exp ≤ 9	27,749	31,911	34,408	36,906	27,749
9 < exp ≤ 12	28,122	32,340	34,871	37,402	28,122
12 < exp ≤ 15	28,495	32,769	35,344	37,899	28,495
15 < exp ≤ 18	28,868	33,199	35,797	38,395	28,868
18 < exp ≤ 21	29,242	33,628	36,260	38,892	29,242

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26th Day

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21< exp	29,615	34,057	36,723	39,388	29,615
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BS-Bachelor's; MS-Master's; 6Y-AA; DO-Doctorate; ND-No Degree

(2) An amount for fringe benefits shall include allowances at the rates indicated below and shall be apportioned by the State Superintendent of Education based on the following components as approved by the State Board of Education.

FICA.....6.20 % of salaries

Medicare.....1.45 % of salaries

Retirement.....9.23 % of salaries

Health Insurance (at \$216 per month).....\$2,592 per person

Unemployment Compensation.....0.125 % of salaries

Sick Leave per day.....\$35 for 5 days

Personal Leave per day.\$35 for 2 days

(3) An amount for classroom instructional support shall include allowance at the rates indicated below and shall be apportioned by the State Superintendent of Education based on the following components as approved by the State Board of Education.

Textbooks, not to exceed per pupil.\$50

Classroom materials and supplies, not to exceed per teacher unit.....\$500

Library enhancement, not to exceed per teacher unit.....\$135

Professional development, not to exceed per teacher unit.....\$60

Classroom technology, not to exceed
per teacher unit.....\$75

(4) An amount for Other Current
Expense not to exceed per teacher
unit.....\$10,075

(b) Transportation Program..... 132,958,664

The above appropriation for transportation shall be apportioned by the State Superintendent of Education based on a formula adopted by the State Board of Education or as may otherwise be provided for by law. In addition to the above appropriation for the Transportation Program, there is hereby appropriated for the purchase of pre-1978 school buses the amount of \$16,291,366.56 from funds appropriated by the Legislature for K-12 in the 1993-94 fiscal year and impounded by the Circuit Court in A.C.E. v. Hunt, et al and subsequently released by that Court.

(c) Capital Outlay/At Risk Program..... 14,062,483

The above appropriation for capital outlay and at risk shall be apportioned by the State Superintendent of Education based on a formula adopted by the State Board of Education or as may otherwise be provided for by law.

(D) Hold Harmless Program..... 50,212,570

The above appropriation for Hold Harmless shall be apportioned by the State Superintendent of Education based on a formula adopted by the State Board of Education or as may otherwise be provided for by law.

(e) Current Teacher Units Program..... 15,876,252

The above appropriation for additional current teacher units shall be apportioned to those local boards of education showing an increase in average daily membership for school year 1995-96 over school year 1994-95. The apportionment shall be made by the State Superintendent of Education in accordance with a formula adopted by the State Board of Education or as may otherwise be provided for by law.

(f) Board of Adjustment Program..... 300,000

The above appropriation for Board of Adjustment shall be expended as provided for by law.

(g) Endowment Interest Program..... 532,864

The above appropriation for endowment interest shall be expended as provided by law and/or fiduciary obligation.

SOURCE OF FUNDS:

(1) ASETF.....	2,190,361,654
(2) Public School Fund.....	62,532,864
(3) Local Funds.....	92,950,296

Total State Board of Education - K-12
Public School System..... 2,190,361,654 155,483,160 2,345,844,814

The above appropriation shall be distributed by the State Board of Education in accordance with the legislation proposed in House Bill 468 of the 1995 Regular Session and all other laws and regulations of the State Board of Education relating to the expenditure of such funds. These funds shall be used to provide a minimum school term and for equitable educational opportunities in the public schools of the state.

10. EDUCATION, STATE BOARD OF
- POSTSECONDARY PRISON
EDUCATION:

(a) Operations and Maintenance..... 8,467,406

SOURCE OF FUNDS:

(1) ASETF..... 8,467,406

Total State Board of Education - Postsecondary Prison Education.....	8,467,406	8,467,406
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The Operations and Maintenance appropriation above of \$8,467,406 to the State Board of Education for Postsecondary Prison Education is to be distributed to colleges listed herein on a needs basis as determined by the State Board of Education pursuant to a recommendation by the Chancellor. The allocations required herein shall be distributed among the following colleges: (1) John C. Calhoun State Community College; (2) Jefferson Davis State Community College; (3) Gadsden State Community College; (4) J.F. Ingram State Community College; (5) Theodore A. Lawson State Community College; and (6) Chauncey Sparks State Technical College.

11. EDUCATION, STATE BOARD
OF - POSTSECONDARY SKILLS
TRAINING AND EDUCATION:

(a) Operations and Maintenance..... 26,770,121

SOURCE OF FUNDS:

(1) Federal and Local Funds..... 26,770,121

Total State Board of Education - Postsecondary Skills Training and Education.....	26,770,121	26,770,121
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12. EDUCATION, STATE BOARD
OF - TWO-YEAR COLLEGE
SYSTEM:

(a) Operations and Maintenance..... 151,839,470 108,431,662 260,271,132

(b) Employee Benefits..... 28,362,576 28,362,576

(c) Small Business Assistance Program.....	150,000	150,000
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(d) Auxiliary Enterprises.....	18,425,150	18,425,150
(e) Restricted Funds.....	73,420,735	73,420,735

SOURCE OF FUNDS:

(1) ASETF.....	180,352,046		
(2) Federal and Other Funds.....		200,277,547	
Total State Board of Education - Two-Year College System.....	180,352,046	200,277,547	380,629,593

(1) The Operations and Maintenance appropriation and Employee Benefits appropriation in (a) and (b) above of \$180,202,046 to the State Board of Education for the Two-Year College System is to be distributed on a needs basis as determined by the State Board of Education pursuant to a recommendation by the Chancellor.

(2) The appropriation in (c) above for Small Business Assistance Public-Private Partnership shall be allocated to George C. Wallace State Community College (Selma).

(3) The allocations required herein shall be distributed among the following colleges: (1) Alabama Aviation and Technical College; (2) Alabama Southern Community College; (3) Harry M. Ayers State Technical College; (4) Bessemer State Technical College; (5) Beville State Community College; (6) S.D. Bishop State Community College; (7) John C. Calhoun State Community College; (8) Central Alabama Community College; (9) Chattahoochee Valley State Community College; (10) J.F. Drake State Technical College; (11) Enterprise State Junior College; (12) Faulkner State Community College; (13) Gadsden State Community College; (14) J.F. Ingram State Community College; (15) Jefferson Davis State Community College; (16) Jefferson State Community College; (17) Theodore A. Lawson State Community College; (18) Lurleen B. Wallace State Junior College; (19) Douglas MacArthur State Technical College; (20) Northeast Alabama State Community College; (21) Northwest-Shoals Community College; (22) John M. Patterson State Technical College; (23) Ed E. Reid State Technical College; (24) Shelton State Community College; (25) Snead State Community College; (26) Chauncey Sparks State Technical College; (27) Southern Union State Community College; (28) Council Trenholm State Technical College; (29) George C. Wallace State Community College (Dothan); (30) George C. Wallace State Community College (Hanceville); (31) George C. Wallace State Community College (Selma).

13. EDUCATION, STATE DEPARTMENT OF:

(a) Administrative Services Program....	36,783,165
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The proposed spending plan for the ASETF monies included in the above program is as follows:

Operations and Maintenance of Department.....13,955,138

Alabama Young Farmers Education Program.....45,252

To be administered by the Houston County Board of Education.

Alabama Center for Law and Civic Education.....56,000

Alabama Teachers of the Year Program.....25,000

Dropout Prevention Pilot Project.....75,000

The pilot project for dropout prevention is hereby funded in an urban location, to allow dropouts or students whose education was interrupted for disciplinary reasons to complete their high school diplomas, or G.E.D. preparation, or vocational training (for age-qualified students). Two or more local boards of education shall participate in the pilot project, and the boards may provide the services or may contract for the services. The activities, expenditures and results of this pilot project shall be reported to the State Superintendent of Education not later than December 1, 1996.

Civic Education Project.....50,000

Alabama Science in Motion Program.....2,475,000

To be expended pursuant to Senate Bill 90 of the 1995 Regular Session for the operation of seventeen science vans.

Alabama Writing Project.....100,000

SOURCE OF FUNDS:

(1) ASETF.....	16,781,390		
(2) Federal and Local Funds.....		20,001,775	
Total Administrative Services Program.....	16,781,390	20,001,775	36,783,165
(b) Adult Basic Education Program.....			13,705,670

SOURCE OF FUNDS:

(1) ASETF.....	4,927,646		
(2) Federal and Local Funds.....		8,778,024	
Total Adult Basic Education Program...	4,927,646	8,778,024	13,705,670
(c) Community Education Program.....			1,022,645

SOURCE OF FUNDS:

(1) ASETF.....	811,296		
(2) Federal and Local Funds.....		211,349	
Total Community Education Program...	811,296	211,349	1,022,645
(d) Financial Assistance Program.....			353,231,019

The proposed spending plan for the ASETF monies included in the above program is as follows:

Financial Assistance - Pre-School Program.....2,512,096

State Occupational Information Coordinating committee.....150,000

SOURCE OF FUNDS:

(1) ASETF.....	2,662,096		
(2) Federal and Local Funds.....		350,568,923	
Total Financial Assistance Program.....	2,662,096	350,568,923	353,231,019

(e) Instructional Technical Assistance Program.....	7,663,419
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The proposed spending plan for the ASETF monies included in the above program is as follows:

Special Education Administration.....	337,294
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Vocational Education Administration.....	834,645
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Teaching Children with Disabilities Administration Program.....	100,000
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National Geographic Grant-Matching Funds.....	50,000
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SOURCE OF FUNDS:

(1) ASETF.....	1,321,939		
(2) Federal and Local Funds.....		6,341,480	

Total Instructional Technical Assistance Program.....	1,321,939	6,341,480	7,663,419
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(f) Support of Other Educational Activities Program.....	12,750
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The proposed spending plan for the ASETF monies included in the above program is as follows:

Education of Dependents of Blind Parents.....	12,750
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SOURCE OF FUNDS:

(1) ASETF.....	12,750	
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Total Support of Other Educational Activities Program.....	12,750	12,750
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For reimbursement of every state institution of higher learning, college, university, community college, technical college, or junior college in which benefits are given to dependents of blind parents under the provisions of Code of Alabama 1975, Sections 16-33-1 through 16-33-12.

(g) Multi-System Evaluation Center Program.....	200,000
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Of the above appropriation to the Multi-System Evaluation Center, it is the intent of the Legislature that \$75,000 shall be utilized to begin a multi-system evaluation center in West Alabama.

SOURCE OF FUNDS:

(1) ASETF.....	200,000	
Total Multi-System Evaluation Center. .	200,000	200,000

(h) Disability Determination for Social Security Program.....	31,069,396
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SOURCE OF FUNDS:

(1) Federal and Local Funds.....	31,069,396	
Total Disability Determination for Social Security Program.....	31,069,396	31,069,396

TOTAL DEPARTMENT OF
EDUCATION:

SOURCE OF FUNDS:

(1) ASETF.....	26,717,117	
(2) Federal and Local Funds.....	416,970,947	

GRAND TOTAL STATE DEPARTMENT OF EDUCATION.....	26,717,117	416,970,947	443,688,064
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14. EDUCATIONAL TELEVISION
COMMISSION:

(a) Educational Television and Public Radio Service Program.....	8,214,189
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Of the above appropriation, \$150,000
shall be allocated for the
"Discovering Alabama" TV series.

(b) Capital Outlay Program.....	449,500
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Of the above appropriation, \$322,000
is for land acquisition costs
associated with WEIQ in Mobile
and \$127,500 is for equipment
replacement/upgrade purposes.

SOURCE OF FUNDS:

(1) ASETF.....	6,248,389		
(2) Federal and Local Funds.....		2,415,300	
Total Educational Television Commission.....	6,248,389	2,415,300	8,663,689

15. EXAMINERS OF PUBLIC
ACCOUNTS, DEPARTMENT OF:

(a) Educational Audit Services Program.....	1,323,994
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SOURCE OF FUNDS:

(1) ASETF.....	1,323,994	
Total Department of Examiners of Public Accounts.....	1,323,994	1,323,994

16. FAMILY PRACTICE RURAL
HEALTH BOARD:

(a) Family Practice Rural Health Program.....	733,540
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SOURCE OF FUNDS:

(1) ASETF.....	<u>733,540</u>	
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Total Family Practice Rural Health Board.....	<u>733,540</u>	<u>733,540</u>
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17. FINANCE, DEPARTMENT OF:

(a) Administrative Support Services Program.....		212,131
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To be expended for education and training for the Governmental Accountant and Auditor Training Program and the Certified Public Manager Program.

SOURCE OF FUNDS:

(1) ASETF.....	<u>212,131</u>	
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Total Department of Finance.....	<u>212,131</u>	<u>212,131</u>
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18. FINANCE, DEPARTMENT OF -
TELECOMMUNICATIONS
DIVISION, TELEPHONE REVOLV-
ING FUND:

(a) Administrative Support Services Program.....		3,484,957
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SOURCE OF FUNDS:

(1) ASETF-Transfer.....	<u>3,484,957</u>	
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Total Department of Finance - Telecommunications Division, Telephone Revolving Fund.....	<u>3,484,957</u>	<u>3,484,957</u>
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The Telephone Revolving Fund shall assess to using agencies and institutions any additional amount necessary to provide continuing non-interrupted service of a minimum maintenance level.

19. FINE ARTS, ALABAMA SCHOOL
OF:

(a) Fine Arts Program.....		3,793,590
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SOURCE OF FUNDS:

(1) ASETF.....	3,383,590		
(2) Federal and Local Funds.....		410,000	
Total Alabama School of Fine Arts.....	3,383,590	410,000	3,793,590

20. FIREFIGHTERS' PERSONNEL
STANDARDS AND EDUCATION
COMMISSION, ALABAMA/
ALABAMA STATE FIRE
COLLEGE-SHELTON STATE
COMMUNITY COLLEGE:

(a) Operations and Maintenance.....	2,646,229	1,481,873	4,128,102
(b) Employee Benefits.....	150,832		150,832
(c) Auxiliary Enterprises.....		755,024	755,024

SOURCE OF FUNDS:

(1) ASETF.....	2,797,061		
(2) Federal and Other Funds.....		2,236,897	

Total Alabama Firefighters' Personnel Standards and Education Commission/Alabama State Fire College - Shelton State Community College.....	2,797,061	2,236,897	5,033,958
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Of the above O & M appropriation of \$2,646,229 from the ASETF, the sum of \$63,545 shall be used for training and instructional equipment and the development and delivery of hazardous materials training.

21. HIGHER EDUCATION, ALABAMA
COMMISSION ON:

(a) Planning and Coordination Services Program.....			2,536,808
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The proposed spending plan for the ASETF monies included in the above program is as follows:

Operations and Maintenance.....2,536,808

SOURCE OF FUNDS:

(1) ASETF..... 2,536,808

Total Planning and Coordination
Services Program (Total
Operations)..... 2,536,808 2,536,808

(b) Student Financial Aid Program..... 9,236,279

The proposed spending plan for the
ASETf monies included in the
above program is to be distributed
through ACHE as follows:

(1) Educational Grants Program.....5,000,000

(2) Alabama National Guard Educational Assistance.....600,000

To be expended in accordance with
Code of Alabama 1975, Sections
31-10-1 through 31-10-4 and Act
93-910.

(3) Teacher Education Scholarship
Loan Program.....500,000

To be expended in accordance with
Code of Alabama 1975, Section
16-23-24.

(4) Chiropractic Scholarships.....37,986

To be expended in accordance with
Code of Alabama 1975, Section
16-5-11.

(5) Policeman's Survivor Tuition,
Estimated.....60,000

To be expended under the provisions
of Code of Alabama 1975, Section
36-21-105.

(6) Alabama Student Assistance
Program.....1,547,471

SOURCE OF FUNDS:

(1) ASETF..... 7,745,457

(2) Federal and Local Funds..... 1,490,822

Total Student Financial Aid Program....	<u>7,745,457</u>	<u>1,490,822</u>	<u>9,236,279</u>
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(c) Support of Other Educational Activities Program.....			3,586,755
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The proposed spending plan for the
ASETF monies included in the
above program is to be distributed
through ACHE as follows:

(1) Network of Alabama Academic
Libraries (NAAL).....400,000

(2) Southern Regional Education
Board (SREB).....446,975

(3) EPSCoR-National Science Foun-
dation Program.....850,000

In addition to the above appropriation
to ESPCoR, there is hereby
appropriated \$150,000 from the
ASETF to be conditioned on the
availability of funds in the ASETF
and the approval of the Governor.

(4) Computer-Based Articulation
System.....446,461

To fund Troy State University for
developing and operating a
state-wide computer-based articula-
tion system to serve all four-year
and two-year postsecondary
institutions in the State of Alabama.

(5) Alabama Small Business Develop-
ment Consortium.....

There is hereby appropriated to the Alabama Small Business Development Consortium \$200,000 from the ASETF to be conditioned on the availability of funds in the ASETF and the approval of the Governor.

(6) Governor's Commission on Historically Black Colleges and Universities.....100,000

To be expended pursuant to Executive Order No. 21.

SOURCE OF FUNDS:

(1) ASETF.....	2,243,436		
(2) Federal and Local Funds.....		<u>1,343,319</u>	

Total Support of Other Educational Activities Program.....	<u>2,243,436</u>	<u>1,343,319</u>	<u>3,586,755</u>
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(d) Alabama Guaranteed Student Loan Program.....			23,079,654
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SOURCE OF FUNDS:

(1) Federal and Local Funds.....		<u>23,079,654</u>	
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Total Alabama Guaranteed Student Loan Program.....		<u>23,079,654</u>	<u>23,079,654</u>
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TOTAL ALABAMA COMMISSION ON HIGHER EDUCATION:

SOURCE OF FUNDS:

(1) ASETF.....	12,525,701		
(2) Federal and Local Funds.....		<u>25,913,795</u>	

GRAND TOTAL ALABAMA COMMISSION ON HIGHER EDUCATION.....	<u>12,525,701</u>	<u>25,913,795</u>	<u>38,439,496</u>
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22. HUMAN RESOURCES, DEPARTMENT OF:

(a) Jobs Opportunities and Basic Skills Training (JOBS) Program.....	4,134,058
(b) JOBS Child Care and After School Child Care Program.....	3,651,195

SOURCE OF FUNDS:

(1) ASETF.....	7,785,253	
Total Department of Human Resources.....	7,785,253	7,785,253

Of the total state and federal dollars received by the Department of Human Resources for the JOBS program, at least \$1.1 million shall be used to contract with the Department of Education-Adult Basic Education Program for educational services to JOBS participants.

23. INDUSTRIAL DEVELOPMENT TRAINING INSTITUTE, ALABAMA:

(a) Industrial Training Program.....	1,839,901	156,264	1,996,165
(b) Industrial Development Program.....	4,568,552		4,568,552
(c) Employee Benefits.....	207,721		207,721

SOURCE OF FUNDS:

(1) ASETF.....	6,616,174		
(2) Federal and Other Funds.....		156,264	
Total Alabama Industrial Development Training Institute.....	6,616,174	156,264	6,772,438

Of the above appropriation to the Alabama Industrial Development Training Institute, \$350,000 shall be transferred to the University of Alabama in Huntsville for an Advanced Technology Transfer Program.

24. LAW INSTITUTE, ALABAMA:

(a) Support of Other Educational Activities Program.....	51,000
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SOURCE OF FUNDS:

(1) ASETF.....	51,000	
Total Alabama Law Institute.....	51,000	51,000

25. LIBRARY SERVICE, ALABAMA
PUBLIC:

(a) Public Library Service Program.....	8,929,559
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SOURCE OF FUNDS:

(1) ASETF.....	7,281,148	
(2) Federal and Local Funds.....	1,648,411	
Total Alabama Public Library Service...	7,281,148	1,648,411
		8,929,559

Of the above appropriation, a minimum of \$4,549,347 is to be distributed to the public libraries within the state.

26. MARINE ENVIRONMENTAL
SCIENCES CONSORTIUM:

(a) Support of Other Educational Activities Program.....	3,145,047
(b) Employee Benefits.....	127,469

SOURCE OF FUNDS:

(1) ASETF.....	2,361,218	
(2) Federal and Other Funds.....	911,298	
Total Marine Environmental Sciences Consortium.....	2,361,218	911,298
		3,272,516

27. MATHEMATICS AND SCIENCE,
ALABAMA SCHOOL OF:

(a) Mathematics and Science Program.....	3,983,907
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SOURCE OF FUNDS:

(1) ASETF.....	3,959,907		
(2) Federal and Local Funds.....		24,000	
Total Alabama School of Mathematics and Science.....	3,959,907	24,000	3,983,907

28. MEDICAL SCHOLARSHIP
AWARDS, BOARD OF:

(a) Support of Other Educational Activities Program.....	520,801
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SOURCE OF FUNDS:

(1) ASETF.....	520,801	
Total Board of Medical Scholarship Awards.....	520,801	520,801

To be expended under the provisions
of Code of Alabama 1975, Sections
16-47-121 through 16-47-129.

29. MENTAL HEALTH AND MENTAL
RETARDATION, DEPARTMENT
OF:

(a) Mental Illness Program.....	8,847,187
(b) Mental Retardation Program.....	5,536,509
(c) Substance Abuse Program.....	788,979

Of the above appropriation, \$300,000
shall be expended for Alzheimer's
Disease Education and Training.

SOURCE OF FUNDS:

(1) ASETF..... 15,172,675

Total Department of Mental Health and
Mental Retardation..... 15,172,675 15,172,675

The Department of Mental Health and
Mental Retardation shall enter into
contracts with local school systems
to reimburse those school systems
for education and education-related
services provided to children under
the care of the Department of
Mental Health and Mental Retarda-
tion.

30. MONTGOMERY INTERNAL
MEDICINE RESIDENCY
PROGRAM:

(a) Support of Other Educational
Activities Program..... 191,000

SOURCE OF FUNDS:

(1) ASETF..... 191,000

Total Montgomery Internal Medicine
Residency Program..... 191,000 191,000

The above appropriation to the
Montgomery Internal Medicine
Residency Program from the
ASETF shall be in addition to the
funds received by said program
from the University of Alabama at
Birmingham (UAB), and the funds
allocated to the Montgomery
Internal Medicine Residency
Program from UAB shall not be
diminished from the amount
allocated in fiscal year 1994-95.

31. MUSIC HALL OF FAME,
ALABAMA:

(a) Support of Other Educational
Activities Program..... 145,800

SOURCE OF FUNDS:

(1) ASETF.....	145,800	
Total Alabama Music Hall of Fame.....	145,800	145,800

32. NURSING, ALABAMA BOARD
OF:

(a) Professional and Occupational Licensing and Regulation Program.....		43,849
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SOURCE OF FUNDS:

(1) ASETF-Transfer-as provided in Code of Alabama 1975, Sections 34-21-60 through 34-21-63 for Graduate Nursing Scholarships.....	43,849	
Total Alabama Board of Nursing.....	43,849	43,849

33. OPTOMETRIC SCHOLARSHIP
AWARDS, BOARD OF:

(a) Support of Other Educational Activities Program.....		114,622
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SOURCE OF FUNDS:

(1) ASETF.....	114,622	
Total Board of Optometric Scholarship Awards.....	114,622	114,622

To be expended under the provisions
of the Code of Alabama 1975,
Sections 34-22-60 through
34-22-65.

34. PEACE OFFICERS' STANDARDS
AND TRAINING COMMISSION,
ALABAMA:

(a) Professional and Occupational Licensing and Regulation Program.....		405,136
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(b) Certified Law Enforcement Academy Program.....	1,062,900
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Of the above appropriation for the Certified Law Enforcement Academy Program, the \$612,900 of ASETF monies included therein shall be expended as follows:

Northeast Police Academy.....	159,354
University of Alabama.....	159,354
Southwest Police Academy.....	159,354
Alabama Police Academy.....	85,806
Montgomery Police Academy....	<u>49,032</u>
Total.....	612,900

SOURCE OF FUNDS:

(1) ASETF.....	1,018,036		
(2) Alabama Peace Officers' Standards and Training Fund-as provided in Code of Alabama 1975, Sections 36-21-40 through 36-21-51.....		<u>450,000</u>	
Total Alabama Peace Officers' Standards and Training Commission.....	<u>1,018,036</u>	<u>450,000</u>	<u>1,468,036</u>

35. POSTSECONDARY EDUCATION DEPARTMENT:

(a) Postsecondary Two-Year Institutions Program.....	2,367,558
(b) Environmental Consortium.....	250,000

SOURCE OF FUNDS:

(1) ASETF.....	2,154,336		
(2) Federal and Local Funds.....		<u>463,222</u>	
Total Postsecondary Education Department.....	<u>2,154,336</u>	<u>463,222</u>	<u>2,617,558</u>

36. PRORATION PREVENTION
ACCOUNT:

(a) Proration Prevention Account Program.....	400,000
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SOURCE OF FUNDS:

(1) ASETF.....	400,000	
Total Proration Prevention Account.....	400,000	400,000

37. SOIL AND WATER CONSERVA-
TION COMMITTEE, STATE:

(a) Soil Conservation Program.....	21,250
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SOURCE OF FUNDS:

(1) ASETF.....	21,250	
Total State Soil and Water Conserva- tion Committee.....	21,250	21,250

38. SPORTS HALL OF FAME,
ALABAMA:

(a) Scholarship Program.....	200,000
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SOURCE OF FUNDS:

(1) ASETF.....	200,000	
Total Alabama Sports Hall of Fame.....	200,000	200,000

39. SUPERCOMPUTER AUTHORITY,
ALABAMA:

(a) Administrative Support Services Program.....	8,557,520
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The above appropriation is to be
expended in accordance with
Sections 41-10-390 through
41-10-406, Code of Alabama 1975.

SOURCE OF FUNDS:

(1) ASETF-Transfer.....	4,000,000		
(2) Supercomputer Revolving Fund, Estimated.....		4,557,520	
Total Alabama Supercomputer Authority.....	4,000,000	4,557,520	8,557,520

In addition to the above appropriation,
there is hereby appropriated to the
Alabama Supercomputer Authority
\$2,033,122 from the ASETF to be
conditioned on the availability of
funds in the ASETF and the ap-
proval of the Governor.

40. TENURE COMMISSION, STATE:

(a) Regulation Program.....	8,264
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SOURCE OF FUNDS:

(1) ASETF.....	8,264	
Total State Tenure Commission.....	8,264	8,264

41. VETERANS' AFFAIRS, DEPART-
MENT OF:

(a) Administration of Veterans' Affairs Program.....	6,038,544
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SOURCE OF FUNDS:

(1) ASETF-Transfer.....	6,038,544	
Total Department of Veterans' Affairs...	6,038,544	6,038,544

The above appropriation is for
Veterans' Education Benefits and
includes pro rata administration
costs of the Department of
Veterans' Affairs and for the
reimbursement to every state
institution of higher learning,
college, university, community
college, junior college, or technical
college in which benefits are given

to veterans, their spouses, widows,
or children under the provisions of
Code of Alabama 1975, Sections
31-6-1 through 31-6-17.

42. YOUTH SERVICES, DEPART- MENT OF:

(a) Financial Assistance Program..... 7,357,164

The above appropriation for Financial Assistance Program includes \$6,221,086 of ASETF monies. The above appropriation shall be expended by the Youth Services Department School District in a manner consistent with the funding formula cooperatively established by the Youth Services Board and the State Board of Education pursuant to the provisions of Code of Alabama 1975, Sections 44-1-70 through 44-1-77.

(b) Community Educational Pro-
grams..... 752,000

The above appropriation shall be allocated as follows: C.I.T.Y. Program Chilton County, \$302,000; C.I.T.Y. Program Houston County, \$350,000; and COARMM, \$100,000.

SOURCE OF FUNDS:

(1) ASETF.....	6,973,086		
(2) Federal and Local Funds.....		1,136,078	
Total Department of Youth Services.....	6,973,086	1,136,078	8,109,164

SECTION 4.

COLLEGES, UNIVERSITIES AND SCHOOLS:

I. BOARD OF TRUSTEES OF UNI- VERSITY OF ALABAMA

(a) Operations and Maintenance and Program Support for the University of Alabama at Tuscaloosa.....	92,180,632	68,917,599	161,098,231
(b) Teachers' Retirement - University of Alabama at Tuscaloosa.....	9,680,234		9,680,234

The above amounts distributed to the President of the University of Alabama for operations and maintenance funding shall include support for such entities as Industrial Management and Manufacturing Technology and Magnetic Information Technology Programs; Center for Emotionally Disturbed Children; Nursing Scholarships; Advocacy Program for the Developmentally Disabled; Capstone Medical Center; Sports Medicine; Alabama Museum of Natural History; College of Community Health Sciences; University Research Library; Research, Extension and Public Service; School of Mines and Energy Development; Computer Research and Development; Rural Infant Stimulation Environment Program; High Risk Nursery; Safe State Program; Tannehill Learning Center.

(c) Operations and Maintenance and Program Support for the University of Alabama at Birmingham.....	148,593,963	642,082,604	790,676,567
(d) Teachers' Retirement - University of Alabama at Birmingham.....	29,763,321		29,763,321

The above amounts distributed to the President of the University of Alabama at Birmingham for operations and maintenance funding shall include support for such entities as University College; Family Practice Residency Programs at Anniston, East End, Jefferson County, Montgomery,

Selma and Gadsden; School of Medicine; University Hospitals; School of Optometry; School of Community and Allied Health; Regional Technical Institute; Joint Health Sciences; Educational Finance Initiative; Department of Pediatrics and Children's Hospital; Center for Labor Education and Research; Student Nurses Loans; Center for Diabetes Research; Urban Research and Public Service; School of Dentistry; System Medical Education Program; School of Nursing; Health Related Research and Public Service; Public Health Research Program; Medical Genetics Program; Nursing Scholarships; Program Enhancement/Minority Recruitment; Minority Faculty Development Program; Science, Engineering and Education Program; Molecular Genetic and Biotechnology Program; Hypertension Research; Multipurpose Arthritis Center; School of Engineering and Business Telecommunications Research Center; School of Public Health; Montgomery Internal Medicine Residency; Center for Advancement of Developing Industries; Center for Cystic Fibrosis Research; Center for Congenital Heart Disease; Biomedical Engineering Sciences; Center for Nuclear Magnetic Resonance Studies; Dental/Medical Research; Medical Grants; Virology Research; Neuro-Science Research; Geriatric Service and Research Program; Internal Medicine Development; Sudden Death Research; Research Center for Biomedical Engineering Sciences; Parkinson's Disease-Medical Research; Walker Community College; Minority

Business Training-Economic Development; National Biomedical Tracer Center; Athletic Trainers Program.

(e) Operations and Maintenance and Program Support for the University of Alabama in Huntsville.....	30,880,561	25,795,968	56,676,529
(f) Teachers' Retirement - University of Alabama in Huntsville.....	3,355,934		3,355,934

The above amounts distributed to the President of the University of Alabama in Huntsville for operations and maintenance funding shall include support for the following entities: Kenneth E. Johnson Research Center; Space Initiative; UAH Medical Clinics; Alabama Solar Energy Center; Center for High Technology Management and Economic Research; Rural Primary Care Clerkship; Research Institute; Developmental Computer Education; Center for Applied Optics; Nursing Scholarships; Center for Microgravity Science; Center for Robotics.

It is the intent of the Legislature that medical programs currently offered in Huntsville by the University of Alabama in Huntsville and the University of Alabama School of Medicine (UASOM)/University of Alabama in Birmingham be preserved. The Legislature recognizes that restructuring and reallocation of authority, program, and budget between and within UAH and UASOM/UAB may occur. However, should such restructuring or reallocation lead to the closure of the School of Primary Medical Care, clinic, and EMT program in Huntsville, or their transfer to

Birmingham, an amount equal to the net allocation (approximately \$5 million) presently provided by UAH to the medical programs will be deducted from UAH and UAB appropriations, prorated according to total appropriations, and returned to the Alabama Special Educational Trust Fund. Further the intent of the Legislature is to ensure that the amount of at least \$5,847,925 (which reflects a 7.55% reduction over FY 94 funds) shall be received by the School of Primary Medical Care in Huntsville (less anticipated overhead). Funds shall come from UAH, UAB, and UASOM pursuant to reorganization agreements announced. Additionally, pursuant to the reorganization agreement, the clinics at the School of Primary Medical Care in Huntsville shall be renovated and the present practice plan known as the Valley Foundation will be reorganized for the clinical faculty in Huntsville. These funds will be used to continue the family practice residency program, the third and fourth year medical student program, the EMT training program, the rural clerkship program, and for the School of Primary Medical Care clinics. Within 12 months of the effective date of this act, a report shall be made to the Legislature on the implementation of the reorganization plan.

(g) Special Mental Health and Chauncey Sparks Center for Developmental and Learning Disorders, University of Alabama at Birmingham.....	4,098,696	4,098,696
(h) Alabama SchoolFest Program, University of Alabama.....	820,458	820,458

**REGULAR SESSION
26th Day**

3069

(i) Bevill Center for Advanced Manufacturing Technology.....	315,000	315,000
(j) Bevill Advanced Electronics Center.....	315,000	315,000
(k) Bevill Center for Advanced Telecommunication Technology.....	315,000	315,000
(l) Bevill Center for Advanced Environmental Technology.....	315,000	315,000
(m) Bevill Center for Advanced Biotechnology.....	315,000	315,000
(n) Auxiliary Enterprises.....	73,503,187	73,503,187
(o) Restricted Funds.....	<u>218,414,375</u>	<u>218,414,375</u>

SOURCE OF FUNDS:

(1) ASETF.....	320,948,799		
(2) Federal and Other Funds.....	<u>1,028,713,733</u>		
Total Board of Trustees of University of Alabama.....	<u>320,948,799</u>	<u>1,028,713,733</u>	<u>1,349,662,532</u>

**II. BOARD OF TRUSTEES OF
ALABAMA A&M UNIVERSITY**

(a) Operations and Maintenance and Program Support.....	22,833,757	14,588,953	37,422,710
(b) Teachers' Retirement.....	2,046,919		2,046,919
(c) Auxiliary Enterprises.....		5,701,017	5,701,017
(d) Restricted Funds.....	<u>17,150,734</u>	<u>17,150,734</u>	

SOURCE OF FUNDS:

(1) ASETF.....	24,880,676		
(2) Federal and Other Funds.....	<u>37,440,704</u>		
Total Board of Trustees of Alabama A&M University.....	<u>24,880,676</u>	<u>37,440,704</u>	<u>62,321,380</u>

III. BOARD OF TRUSTEES OF
ALABAMA STATE UNIVERSITY

(a) Operations and Maintenance and Program Support.....	23,466,855	11,914,282	35,381,137
(b) Teachers' Retirement.....	1,762,737		1,762,737
(c) Auxiliary Enterprises.....		8,441,788	8,441,788
(d) Restricted Funds.....		11,728,389	11,728,389

SOURCE OF FUNDS:

(1) ASETF.....	25,229,592		
(2) Federal and Other Funds.....		32,084,459	
Total Board of Trustees of Alabama State University.....	25,229,592	32,084,459	57,314,051

IV. BOARD OF TRUSTEES OF
ALABAMA STATE UNIVERSITY

(a) Alabama State University-Miles College Consortium.....	352,000		352,000
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SOURCE OF FUNDS:

(1) ASETF.....	352,000		
Total Alabama State University-Miles College Consortium.....	352,000		352,000

V. STATE BOARD OF EDUCATION -
ATHENS STATE COLLEGE

(a) Operations and Maintenance and Program Support.....	5,845,312	4,569,918	10,415,230
(b) Teachers' Retirement.....	1,173,426		1,173,426
(c) Auxiliary Enterprises.....		578,037	578,037
(d) Restricted Funds.....		1,445,475	1,445,475

SOURCE OF FUNDS:

(1) ASETF.....	7,018,738		
(2) Federal and Other Funds.....		6,593,430	
Total State Board of Education-Athens State College.....	7,018,738	6,593,430	13,612,168

In addition to the above appropriation from the ASETF to Athens State College, there is hereby appropriated the amount of \$1,279,466 to be conditioned upon the availability of funds in the ASETF and upon approval of the Governor. This is to be the first priority conditional and shall be released in full before any other conditional appropriation from the ASETF may be released.

VI. BOARD OF TRUSTEES OF AUBURN UNIVERSITY

(a) Operations and Maintenance and Program Support.....	159,061,840	96,423,248	255,485,088
(b) Teachers' Retirement.....	14,398,800		14,398,800
(c) Auxiliary Enterprises.....		47,505,668	47,505,668
(d) Restricted Funds.....		65,017,360	65,017,360

SOURCE OF FUNDS:

(1) ASETF.....	173,460,640		
(2) Federal and Other Funds.....		208,946,276	
Total Board of Trustees of Auburn University.....	173,460,640	208,946,276	382,406,916

VII. BOARD OF TRUSTEES OF JACKSONVILLE STATE UNIVERSITY

(a) Operations and Maintenance and Program Support.....	22,363,380	14,582,240	36,945,620
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(b) Teachers' Retirement.....	2,101,897		2,101,897
(c) Auxiliary Enterprises.....		3,163,878	3,163,878
(d) Restricted Funds.....		<u>6,499,151</u>	<u>6,499,151</u>

SOURCE OF FUNDS:

(1) ASETF.....	24,465,277		
(2) Federal and Other Funds.....		<u>24,245,269</u>	

Total Board of Trustees of Jacksonville State University.....	<u>24,465,277</u>	<u>24,245,269</u>	<u>48,710,546</u>
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VIII. BOARD OF TRUSTEES OF
LIVINGSTON UNIVERSITY

(a) Operations and Maintenance and Program Support.....	7,311,310	4,047,603	11,358,913
(b) Teachers' Retirement.....	718,310		718,310
(c) Auxiliary Enterprises.....		2,669,045	2,669,045
(d) Restricted Funds.....		<u>375,400</u>	<u>375,400</u>

SOURCE OF FUNDS:

(1) ASETF.....	8,029,620		
(2) Federal and Other Funds.....		<u>7,092,048</u>	

Total Board of Trustees of Livingston University.....	<u>8,029,620</u>	<u>7,092,048</u>	<u>15,121,668</u>
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IX. BOARD OF TRUSTEES OF
UNIVERSITY OF MONTEVALLO

(a) Operations and Maintenance and Program Support.....	11,608,672	7,436,766	19,045,438
(b) Teachers' Retirement.....	1,139,905		1,139,905
(c) Minority Student Recruitment Program.....	125,000		125,000
(d) Auxiliary Enterprises.....		4,742,804	4,742,804

(e) Restricted Funds.....	<u>2,241,781</u>	<u>2,241,781</u>
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SOURCE OF FUNDS:

(1) ASETF.....	12,873,577	
(2) Federal and Other Funds.....	<u>14,421,351</u>	

Total Board of Trustees of University of Montevallo.....	<u>12,873,577</u>	<u>14,421,351</u>	<u>27,294,928</u>
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X. BOARD OF TRUSTEES OF
UNIVERSITY OF NORTH
ALABAMA

(a) Operations and Maintenance and Program Support.....	16,277,809	10,957,313	27,235,122
(b) Teachers' Retirement.....	1,751,778		1,751,778
(c) Auxiliary Enterprises.....		3,088,141	3,088,141
(d) Restricted Funds.....	<u>1,001,207</u>	<u>1,001,207</u>	

SOURCE OF FUNDS:

(1) ASETF.....	18,029,587	
(2) Federal and Other Funds.....	<u>15,046,661</u>	

Total Board of Trustees of University of North Alabama.....	<u>18,029,587</u>	<u>15,046,661</u>	<u>33,076,248</u>
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XI. BOARD OF TRUSTEES OF
UNIVERSITY OF SOUTH
ALABAMA

(a) Operations and Maintenance and Program Support.....	55,652,606	207,122,748	262,775,354
(b) Teachers' Retirement.....	13,425,092		13,425,092
(c) Auxiliary Enterprises.....		11,366,591	11,366,591
(d) Restricted Funds.....	<u>20,000,000</u>	<u>20,000,000</u>	

SOURCE OF FUNDS:

(1) ASETF.....	69,077,698		
(2) Federal and Other Funds.....		<u>238,489,339</u>	
Total Board of Trustees of University of South Alabama.....	<u>69,077,698</u>	<u>238,489,339</u>	<u>307,567,037</u>

XII. BOARD OF TRUSTEES OF TROY STATE UNIVERSITY

(a) Operations and Maintenance and Program Support for Troy State University.....	16,841,964	34,673,218	51,515,182
(b) Operations and Maintenance and Program Support for Troy State University at Dothan.....	3,948,669	5,190,279	9,138,948
(c) Operations and Maintenance and Program Support for Troy State University at Montgomery.....	3,707,689	4,843,476	8,551,165
(d) Teachers' Retirement.....	2,921,997		2,921,997
(e) Auxiliary Enterprises.....		9,962,068	9,962,068
(f) Restricted Funds.....		<u>6,294,086</u>	<u>6,294,086</u>

SOURCE OF FUNDS:

(1) ASETF.....	27,420,319		
(2) Federal and Other Funds.....		<u>60,963,127</u>	
Total Board of Trustees of Troy State University.....	<u>27,420,319</u>	<u>60,963,127</u>	<u>88,383,446</u>

XIII. BOARD OF TRUSTEES OF ALABAMA INSTITUTE FOR DEAF AND BLIND

(a) Adult Programs.....	4,881,130	4,380,300	9,261,430
(b) Children and Youth Programs.....	14,461,581	1,555,099	16,016,680
(c) Industries for the Blind.....	2,576,152	11,861,048	14,437,200
(d) Employee Benefits.....	<u>4,507,711</u>		<u>4,507,711</u>

SOURCE OF FUNDS:

(1) ASETF.....	26,426,574		
(2) Federal and Other Funds.....		17,796,447	
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Total Board of Trustees of Alabama			
Institute for Deaf and Blind.....	26,426,574	17,796,447	44,223,021

SECTION 5. No other funds provided herein for the public schools, including funds in Section 3.A.9., shall be used for the payment of any salaries of personnel not under the direct control, employment, and supervision of local boards of education. No funds provided herein for the two-year postsecondary schools under the auspices of the State Board of Education shall be used for the payment of any salaries of personnel not under the direct control, employment and supervision of said institutions.

SECTION 6. In addition to appropriations herein made, all gifts, grants, contributions, or entitlements, in excess of the amount carried in the bill, including grants by the Congress of the United States, municipalities or counties, to any department, division, board, bureau, commission, agency, institution, office or officer of the State of Alabama are hereby appropriated and, in the event the same are recurring, are reappropriated to such department, division, board, bureau, commission, agency, institution, office or officer to be used only for the purpose or purposes for which the grant or contribution was or shall be made. Further, all state, county, municipal and educational entities are authorized to disburse such sums as deemed necessary by mutual agreement between said entities and the State of Alabama, Department of Examiners of Public Accounts to partially defray the cost of auditing services performed by said agency. All such sums are hereby appropriated and reappropriated if necessary to the Department of Examiners of Public Accounts for audit services, to be expended through the fund established by Section 41-5-24, Code of Alabama 1975.

SECTION 7. The State Superintendent of Education shall make requisitions on the State Comptroller in favor of the proper beneficiary in accordance with the law and rules and regulations governing the expenditure or disbursement of any and all funds appropriated to the State Department of Education and/or the State Board of Education in this Act, whereupon the Comptroller shall issue his warrant therefor. Furthermore, the Executive Director of the Alabama Commission on Higher Education may submit to the Comptroller requests for timely payments of warrants to students receiving financial assistance to attend postsecondary educational institutions. All other appropriations in this Act shall be paid after proper requisitions are made on the State Comptroller in the manner now provided by law.

SECTION 8. (a) Funds appropriated from the ASETF or earmarked state funds in this Act to any state department, division, board, bureau, commission, agency, institution, or office (with the exception of local boards of education and

postsecondary institutions of education) shall not be expended for the purchase or lease of automotive vehicles. A state agency funded from the ASETF or earmarked state funds in this Act may request to purchase or lease automotive vehicles for emergency purposes. The request shall be made in writing to the Director of Finance, the Chairman of the House Committee on Ways and Means, and the Chairman of the Senate Committee on Finance and Taxation-Education. The request shall explain the nature of the automotive purchase or lease and the emergency need for the vehicle. The request shall be approved unanimously by the Director of Finance, the Chairman of the House Committee on Ways and Means, and the Chairman of the Senate Committee on Finance and Taxation-Education prior to the purchase or lease of any automotive vehicle.

(b) No funds appropriated in this act shall be expended for the purpose of purchasing optional equipment on state motor vehicles that consist of stereo equipment, power seats, leather upholstery, premium wheel covers, deluxe exterior trim, or sun roofs.

(c) On the last day of this fiscal year, each state school, college, department, agency, or like institution receiving funds under this act shall file a report with the Legislature detailing purchases of new motor vehicles during the fiscal year, including complete information on the date of purchase, make and model of the vehicle, standard equipment on the vehicle, optional equipment on the vehicle, and a complete inventory of all state motor vehicles assigned to, being used by, or being leased by the state school, college, department, agency, or like institution receiving funds under this Act, and shall also submit an inventory report of all motor vehicles that it operates that do not have state vehicle identification license tags.

SECTION 9. It is the intent of the Legislature that all salary increases granted to lunchroom workers by the Legislature beginning October 1, 1993 and October 1, 1994 shall be fully funded by local school boards from state funds provided in this Act and not from funds generated by lunchroom sales. A school board may obtain a waiver from the provisions of this section for a particular school or schools by applying for such a waiver in writing to the State Superintendent of Education. The State Superintendent may recommend a waiver in writing if the facts presented by the local school board warrant such a waiver and the state school board approves the waiver.

SECTION 10. It is the intent of the Legislature that Teacher Inservice Centers at the existing Inservice Educational Centers shall continue to be utilized by the local boards of education in the respective regions and shall be funded from Professional Development funds generated by the K-12 Foundation Program, funded in Section 3.A.9. of this Act. Such centers shall be evaluated by the State Department of Education and recommendations as to the effectiveness of each center shall be made to the State Board of Education, the Governor and the Legislature prior to December 31, 1996.

SECTION 11. Nothing in this Act shall be construed to affect or repeal any law authorizing or permitting any college, school or other education or eleemosynary institution of the State to receive, collect or disburse any fees, tuitions, charges, sales, endowments, trusts or income therefrom, which are now or may hereafter be authorized to receive, collect or disburse. The receiving college, school or institution shall further maintain separate accounts for such receipts or shall maintain a system of accounting which will show a cash flow of such receipts received under the provision of this appropriation.

SECTION 12. The appropriations made herein to the departments, boards, offices, commissions, and agencies include the amount necessary and said departments, boards, offices, commissions, and agencies are hereby directed to make the transfer of funds to the State Personnel Department in the amounts enumerated in the general appropriation act for the fiscal year ending September 30, 1996. All agencies enumerated in this Act that receive services from other governmental agencies enumerated in the general appropriations act shall make full payment in a timely manner (as determined by the Department of Finance) for such services.

SECTION 13. All encumbered balances of a previous fiscal year appropriation other than the exclusions authorized by the Code of Alabama 1975, Section 41-4-93, shall lapse no later than September 30 of the fiscal year immediately following the fiscal year for which the appropriation was made and shall revert to the credit of the ASETF or earmarked fund from which the appropriation or appropriations were made.

SECTION 14. If any section, paragraph, sentence, clause, provision or portion of this Act or all or any portion of any appropriations herein made be held unconstitutional or invalid, it shall not affect any other section, paragraph, sentence, clause, provision or portion of this Act or any other appropriation or appropriations or portion thereof hereby made not in and of itself unconstitutional or invalid.

SECTION 15. All laws and parts of laws, general, special, private or local in conflict with or inconsistent with the provisions of this Act be and the same are hereby expressly repealed.

SECTION 16. This Act shall become effective on October 1, 1995.

Amend H. 235 on page 35 after line 33 by adding the following: "Of the above appropriation for operations and maintenance of \$22,833,757, a total of \$250,000 shall be allocated to the Black Archives Museum."

Amend House Bill 235 as substituted by deleting page 5, line 28 through page 9, line 34 in their entirety and inserting in lieu thereof the following:

**"9. EDUCATION, STATE BOARD OF -
K-12 FOUNDATION PROGRAM:**

(a) Foundation Program..... 2,147,778,233

(b) Transportation Program..... 132,958,664

In addition to the above appropriation for the Transportation Program, there is hereby appropriated for the purchase of pre-1978 school buses the amount of \$16,291,366.56 from funds appropriated by the Legislature for K-12 in the 1993-94 fiscal year and impounded by the Circuit Court in A.C.E. v. Hunt, et al and subsequently released by that Court.

(c) Board of Adjustment..... 300,000

(d) Endowment Interest Program -
Public School Fund..... 532,864(e) Hold Harmless Program - Public
School Fund..... 38,485,174(f) Capital Outlay Program - Public
School Fund..... 25,789,879**SOURCE OF FUNDS:**

(1) ASETF..... 2,190,361,654

(2) Public School Fund..... 62,532,864

(3) Local Funds..... 92,950,296

Total State Board of Education-K-12Foundation Program..... 2,190,361,654 155,483,160 2,345,844,814

The above appropriation shall be distributed by the State Board of Education in accordance with the provisions of Act 95-314 passed in the 1995 Regular Session of the Legislature and all other laws and regulations of the State Board of

Education relating to the expenditure of such funds. These funds shall be used to provide a minimum school term and for equitable educational opportunities in the public schools of the state. In allocating the funds in subsection (a) the State Board of Education shall allot funds based on the rates established as follows:

For "Salaries of Teachers" the Foundation Program shall use the state salary matrix below:

<u>Years of Experience</u>	<u>BS</u>	<u>MS</u>	<u>6Y</u>	<u>DO</u>	<u>ND</u>
exp <3	\$24,887	\$28,620	\$30,859	\$33,099	\$24,887
3 ≤ exp <6	27,375	31,482	33,945	36,409	27,375
6 ≤ exp <9	27,749	31,911	34,408	36,906	27,749
9 ≤ exp <12	28,122	32,340	34,871	37,402	28,122
12 ≤ exp <15	28,495	32,769	35,344	37,899	28,495
15 ≤ exp <18	28,868	33,199	35,797	38,395	28,868
18 ≤ exp <21	29,242	33,628	36,260	38,892	29,242
21 ≤ exp <24	29,615	34,057	36,723	39,388	29,615

For "Fringe Benefits" the rate per day for two personal days and five sick days (for units earned in the Foundation Program) shall be \$35. The Teachers' Retirement System rate shall be 9.23% of salaries and the Public Education Employees' Health Insurance rate shall be \$216 per month for each full-time employee. For "Classroom Instructional Support" the uniform amounts used in determining the Foundation Program allowance for classroom instructional support shall be:

- (1) classroom instructional materials and supplies at \$500 per unit earned in the Foundation Program;
- (2) textbooks at \$50 per pupil in average daily membership during the first forty scholastic days of the preceding school year;
- (3) technology at \$75 per unit earned in the Foundation Program;
- (4) professional development at \$60 per unit earned in the Foundation Program;
- (5) library enhancement at \$135 per unit earned in the Foundation Program.

Notwithstanding the foregoing, the budgeting and expenditure of funds in subsection (a) at the local level shall be determined and made by the local boards of education in accordance with rules and regulations of the State Board of Education and all laws governing such school budgets and expenditures."

Yeas 78; Nays 0.

Yea:

Mr. Speaker, Black (L), Black (M), Box, Boyd, Burke, Carns, Clark (W), Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Fuller, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Jorgensen, Kennedy, Knight (A), Layson, Letson, Lindsey, Maull, McAdory, McDaniel, Melton, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, White and Willis.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 668. To make an appropriation from the Alabama Special Educational Trust Fund in the State Treasury to the Alabama Sports Festival in the amount of \$75,000 for the fiscal year ending September 30, 1996 and to require an operations plan and audited financial statement prior to the release of any funds.

TOMMY CARTER
Chairman

And the bill, H. 668, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 628. To amend Section 13A-12-200.2 of the Code of Alabama 1975, to further provide for the penalties for the distribution of obscene material or the possession of obscene material with the intent to distribute or the production of obscene material for pecuniary value.

TOMMY CARTER
Chairman

And the bill, H. 628, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 909. To amend Section 11-50-313 of the Code of Alabama 1975, to allow the restructuring and appointment of members of the waterworks and sewer board in any Class 5 municipality pursuant to local legislation.

TOMMY CARTER
Chairman

And the bill, H. 909, as engrossed, was ordered sent to the Senate.

BILLS ON THIRD READING

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Thomas (J), the Budget Isolation Resolution relating to the bill, H. 771, was adopted.

Yeas 47; Nays 0.

Yea:

Representatives Black (L), Box, Burke, Buskey, Clark (W), Clouse, Collins, Dean, Dolbare, Ford, Gaines, Gaston, Graham, Guin, Hall (A), Hammett, Haney, Hill, Hinshaw, Hogan, Hooper, Jackson, Jorgensen, Kennedy, Knight (A), Layson, Letson, Maul, Mitchell, Morrison, Morrow, Murphree, Newton (C), Page, Papucci, Parker (T), Robinson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Thomas (J), Turnham, Venable, Warren and Willis.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 771. To alter or rearrange the boundary lines of the Town of Fort Deposit, Lowndes County, Alabama, so as to include within the corporate limits of the said Town of Fort Deposit all territory now within such corporate limits and also certain other territory contiguous thereto, in Lowndes County, Alabama.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 61; Nays 0.

Yea:

Representatives Black (L), Box, Boyd, Burke, Buskey, Carothers, Clark (W), Clouse, Collins, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Gipson, Graham, Guin, Haney, Hawkins, Hayden, Hill, Hinshaw, Hogan, Hooper, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Maull, McClammy, Millican, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Papucci, Parker (T), Payne, Pringle, Sanderford, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Vance, Warren and Willis.

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BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Knight (A), the Budget Isolation Resolution relating to the bill, S. 404, was adopted.

Yeas 63; Nays 0.

Yea:

Mr. Speaker, Black (L), Black (M), Box, Boyd, Burke, Carothers, Clark (W), Clouse, Curry, Dean, Drake, Flowers, Gaines, Gaston, Graham, Guin, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Letson, Lindsey, Maull, McKee, Millican, Mitchell, Moore, Morrison, Morton, Murphree, Newton (C), Papucci, Parker (T), Petelos, Pringle, Reed, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-63

And the bill:

S. 404. Relating to Bibb County; repealing Act No. 84-453, S. 601, 1984 Regular Session (Acts 1984, p. 1061) entitled "An Act, Relating to Bibb County; to amend Act No. 780, H. 1706, 1973 Regular Session (Acts 1973, p. 1195), which act provides for compensation of the sheriff, the appointment of deputies, secretaries and jailors, so as to further provide for the salaries of certain members of the sheriff's staff," and to make this act retroactive to September 30, 1992.

was read a third time at length and passed.

Yeas 64; Nays 0.

Yea:

Mr. Speaker, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carothers, Clark (W), Clouse, Curry, Dean, Flowers, Ford, Gaston, Graham, Guin, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Jackson, Johnson (E), Johnson (R), Kennedy, Knight (A), Knight (J), Letson, Lindsey, Maull, McAdory, McClammy, McKee, Melton, Millican, Mitchell, Moore, Morton, Murphree, Newton (C), Papucci, Parker (T), Penry, Petelos, Reed, Rogers (J), Sims, Spratt, Starkey, Thomas (D), Thomas (J), Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-64

BUDGET ISOLATION RESOLUTION TEMPORARILY CARRIED OVER

In accordance with House Rule 21, the Budget Isolation Resolution and the bill, H. 507, were temporarily carried over at the request of Representative Vance.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Burke, the Budget Isolation Resolution relating to the bill, H. 869, was adopted.

Yeas 53; Nays 0.

Yea:

Mr. Speaker, Black (L), Black (M), Box, Boyd, Carothers, Clouse, Curry, Dean, Dukes, Flowers, Gaines, Gipson, Graham, Guin, Hall (L), Hammett, Hill, Hilliard, Hinshaw, Hogan, Jackson, Johnson (R), Jorgensen, Knight (A), Knight (J), Layson, Letson, Lindsey, McClammy, Moore, Morrison, Morton, Murphree, Newton (C), Papucci, Parker (T), Payne, Penry, Petelos, Pringle, Reed, Rogers (M), Sims, Smith, Spratt, Thomas (D), Thomas (J), Turnham, Venable, Warren, White and Willis.

-53

And the bill:

H. 869. To alter, rearrange, and extend the boundary lines and corporate limits of the Town of Ider in DeKalb County.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 61; Nays 0.

Yea:

Representatives Black (L), Black (M), Box, Boyd, Burke, Carns, Carothers, Clouse, Collins, Curry, Dean, Dukes, Flowers, Gaston, Guin, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, Moore, Morrison, Morton, Murphree, Newton (C), Papucci, Parker (T), Payne, Penry, Petelos, Pringle, Rogers (J), Rogers (M), Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turnham, Venable, Warren, White and Willis.

-61

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Graham, the Budget Isolation Resolution relating to the bill, H. 918, was adopted.

Yeas 61; Nays 0.

Yea:

Mr. Speaker, Black (L), Black (M), Box, Burke, Carothers, Clouse, Collins, Curry, Dean, Flowers, Gaines, Gaston, Gipson, Graham, Guin, Hall (L), Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Letson, McAdory, McClammy, Millican, Mitchell, Moore, Morrison, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Petelos, Pringle, Reed, Rogers (J), Rogers (M), Sims, Smith, Spratt, Thomas (D), Thomas (J), Turnham, Venable, White and Willis.

-61

And the bill:

H. 918. Relating to Tallapoosa County; relating to the compensation and expense allowance for the Sheriff of Tallapoosa County; to further provide for an additional expense allowance and expiration date therefor and the sheriff's compensation in the next term of office.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 64; Nays 0.

Yea:

Mr. Speaker, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carothers, Clark (W), Clouse, Curry, Dean, Flowers, Ford, Gaines, Gaston, Gipson, Guin, Hall (L), Hammett, Haney, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Layson, Letson, Lindsey, Maull, McAdory, Millican, Mitchell, Moore, Morrison, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Penry, Petelos, Pringle, Reed, Rogers (J), Rogers (M), Sims, Smith, Spratt, Thomas (D), Thomas (J), Turnham, Venable, Willis and Wren.

-64

MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Turner, the rules were suspended in order to permit the Standing Committee on Local Legislation No. 3 to meet while the House is in Session.

BILLS ON THIRD READING RESUMED

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Reed, the Budget Isolation Resolution relating to the bill, H. 919, was adopted.

Yeas 52; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Burke, Carothers, Clouse, Collins, Curry, Dean, Gaines, Gipson, Graham, Guin, Haney, Hayden, Hill, Hilliard, Hinshaw, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Letson, Lindsey, Maull, McAdory, McClammy, Millican, Moore, Morrison, Morton, Murphree, Newton (C), Papucci, Parker (T), Petelos, Pringle, Reed, Rogers (J), Rogers (M), Sims, Spratt, Thomas (D), Thomas (J), Turnham, Warren, White and Willis.

-52

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 919. Relating to Macon County; providing for the issuance of pistol permits by the sheriff and providing for the distribution and use of the fees; and repealing Act No. 814, H. 1046 of the 1969 Regular Session (Acts 1969, p. 1465), relating to the fee and distribution and use of the fees.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 58; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Boyd, Carothers, Clouse, Collins, Curry, Gaines, Gipson, Graham, Guin, Haney, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Layson, Letson, Lindsey, Maull, McAdory, McClammy, McMillan, Millican, Moore, Morrison, Morton, Murphree, Newton (C), Papucci, Penry, Perdue, Petelos, Reed, Rogers (J), Rogers (M), Seibenhener, Sims, Smith, Spratt, Thomas (J), Turner, Turnham, Warren, White and Willis.

-58

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Reed, the Budget Isolation Resolution relating to the bill, H. 920, was adopted.

Yeas 66; Nays 0.

Yea:

Representatives Allen, Black (L), Black (M), Boyd, Burke, Carothers, Clouse, Collins, Curry, Drake, Dukes, Flowers, Gaines, Gipson, Graham, Guin, Hall (L), Haney, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Layson, Letson, Lindsey, Maull, McAdory, McClammy, McMillan, Millican, Mitchell, Moore, Morrison, Morton, Murphree, Newton (C), Papucci, Parker (T), Penry, Perdue, Petelos, Pringle, Reed, Rogers (J), Rogers (M), Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Turner, Turnham, Warren, White and Willis.

-66

And the bill:

H. 920. Relating to Macon County; providing for additional costs and charges in all circuit and district court cases, excluding the small claims division; providing for the establishment of a Juvenile Court Services Fund and a Judicial Administration Fund in the county; and providing for the distribution of the funds.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 52; Nays 0.

Yea:

Representatives Allen, Black (L), Black (M), Boyd, Carothers, Clouse, Curry, Dolbare, Drake, Dukes, Gaines, Gipson, Graham, Guin, Hall (L), Haney, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (R), Jorgensen, Knight (A), Knight (J), Letson, Lindsey, Maull, McAdory, McClammy, Millican, Moore, Morrison, Morton, Murphree, Papucci, Perdue, Petelos, Reed, Rogers (J), Rogers (M), Sanderford, Sims, Smith, Spratt, Starkey, Thomas (J), Vance, Warren and Willis.

-52

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

COMMITTEE ON CONFERENCE APPOINTED

The Speaker appointed as a Committee on Conference on the part of the House, Representatives Fuller, Curry and Burke on the disagreement of the two Houses on the Senate amendment to the bill, H. 235.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Venable, the Budget Isolation Resolution relating to the bill, H. 931, was adopted.

Yeas 60; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Box, Boyd, Carothers, Clark (W), Clouse, Curry, Dean, Drake, Flowers, Gaines, Gaston, Gipson, Graham, Guin, Hammett, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Lindsey, Maull, McAdory, McClammy, McKee, McMillan, Millican, Mitchell, Morrison, Morton, Murphree, Newton (C), Papucci, Parker (T), Penry, Perdue, Petelos, Reed, Rogers (J), Rogers (M), Sims, Smith, Spratt, Thomas (D), Thomas (J), Turnham, Venable, Warren and Willis.

-60

And the bill:

H. 931. Relating to Coosa County; relating to the compensation and expense allowance for the Sheriff of Coosa County; to further provide for an additional expense allowance and expiration date therefor and the sheriff's compensation in the next term of office.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 55; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Box, Boyd, Burke, Carns, Carothers, Clark (W), Clouse, Curry, Dean, Dolbare, Drake, Gaines, Gipson, Guin, Hawkins, Hayden, Hill, Hinshaw, Hogan, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Letson, Lindsey, Maull, McAdory, Millican, Moore, Morrison, Morton, Murphree, Newton (C), Papucci, Parker (T), Payne, Petelos, Reed, Rogers (M), Sanderford, Sims, Smith, Spratt, Starkey, Thomas (J), Turnham, Warren and Willis.

-55

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Venable, the Budget Isolation Resolution relating to the bill, H. 941, was adopted.

Yeas 65; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Box, Boyd, Burke, Carns, Clouse, Collins, Curry, Dean, Dolbare, Drake, Dukes, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Jorgensen, Kennedy, Knight (A), Layson, Lindsey, McAdory, McClammy, McKee, Millican, Minnifield, Mitchell, Moore, Morton, Newton (C), Papucci, Parker (P), Payne, Perdue, Petelos, Rogers (M), Sanderford, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Turnham, Vance, Venable, Warren, White and Willis.

-65

And the bill:

H. 941. Relating to Coosa County; providing further for the procedure for selling and redeeming lands for taxes.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 67; Nays 1.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clouse, Collins, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Gaston, Gipson, Graham, Guin, Haney, Hawkins, Hayden, Hill, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Knight (A), Knight (J), Layson, Maull, McAdory, McClammy, McKee, McMillan, Millican, Mitchell, Moore, Morrison, Morton, Murphree, Newton (C), Papucci, Parker (P), Payne, Petelos, Reed, Rogers (J), Rogers (M), Sanderford, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Warren and Willis.

-67

Nay:

Representative Hilliard.

- 1

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Morrow, the Budget Isolation Resolution relating to the bill, H. 947, was adopted.

Yeas 67; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Box, Boyd, Burke, Carothers, Clouse, Collins, Curry, Dean, Dolbare, Dukes, Flowers, Gaines, Gaston, Gipson, Graham, Guin, Hall (L), Hammett, Haney, Hayden, Hill, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (J), Layson, Lindsey, Maull, McAdory, McClammy, McKee, McMillan, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Perdue, Petelos, Reed, Rogers (J), Rogers (M), Sanderford, Sims, Smith, Spratt, Thomas (D), Thomas (J), Turnham, Vance, Venable, Warren, White and Willis.

-67

And the bill:

H. 947. Relating to the Franklin County Commission; to provide for five commissioners elected from single-member districts effective with the election in November 1996; to provide for the boundaries of the five commission districts; to provide for the selection of the chair; to provide for the salary of the commissioners; to provide for a referendum election; and to repeal all conflicting law.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 57; Nays 0.

Yea:

Mr. Speaker, Allen, Box, Carns, Carothers, Clouse, Collins, Curry, Dukes, Flowers, Gaines, Gaston, Gipson, Graham, Guin, Hall (L), Hammett, Haney, Hill, Hinshaw, Hogan, Hooper, Houston, Johnson (R), Jorgensen, Knight (A), Knight (J), Layson, Maull, McAdory, McClammy, McKee, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Rogers (J), Rogers (M), Sanderford, Sims, Smith, Spratt, Thomas (J), Townsend, Venable, Warren and Willis.

-57

BUDGET ISOLATION RESOLUTION TEMPORARILY CARRIED OVER

In accordance with House Rule 21, the Budget Isolation Resolution and the bill, H. 949, were temporarily carried over at the request of Representative Drake.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Morrison, the Budget Isolation Resolution relating to the bill, H. 950, was adopted.

Yeas 67; Nays 0.

Yea:

Mr. Speaker, Allen, Black (M), Box, Burke, Carothers, Clouse, Collins, Curry, Dean, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hammett, Haney, Hill, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Letson, Lindsey, McAdory, McClammy, McDaniel, McKee, Melton, Millican, Minnifield, Moore, Morrison, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Penry, Perdue, Petelos, Reed, Rogers (J), Rogers (M), Sanderford, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Turnham, Vance, Venable, Warren and Willis.

-67

And the bill:

H. 950. Relating to Cullman County; to further provide for the sheriff's compensation in the next term of office.

was taken up.

AMENDMENT OFFERED

Representative Drake offered the following amendment to the bill, H. 950:

On page 1, on line 13, delete the language: in the next term of office

On page 1, on line 15, delete the language "Beginning with the next term of office" and insert in lieu thereof: Effective immediately

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 58; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Box, Boyd, Burke, Curry, Dean, Drake, Flowers, Gaines, Gaston, Gipson, Graham, Guin, Hammett, Haney, Hawk, Hill, Hinshaw, Hogan, Hooper, Houston, Johnson (E), Johnson (R), Kennedy, Knight (A), Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, Melton, Millican, Minnifield, Mitchell, Morton, Newton (C), Papucci, Parker (T), Penry, Perdue, Petelos, Pringle, Rogers (J), Rogers (M), Sims, Spratt, Thomas (D), Thomas (J), Turnham, Vance, Venable, Warren and Willis.

-58

And the bill:

H. 950. Relating to Cullman County; to further provide for the sheriff's compensation.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 66; Nays 0.

Yea:

Mr. Speaker, Allen, Black (M), Box, Boyd, Burke, Carothers, Clouse, Curry, Dean, Drake, Flowers, Gaines, Galliher, Gaston, Gipson, Guin, Hammett, Haney, Hawk, Hill, Hinshaw, Hogan, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Knight (A), Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, Melton, Millican, Minnifield, Mitchell, Moore, Morton, Newton (C), Papucci, Parker (P), Parker (T), Penry, Perdue, Petelos, Pringle, Reed, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Turnham, Vance, Venable, Warren and Willis.

-66

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Papucci, the Budget Isolation Resolution relating to the bill, H. 952, was adopted.

Yeas 62; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Box, Burke, Carns, Carothers, Clouse, Collins, Curry, Dean, Dolbare, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Guin, Haney, Hawkins, Hill, Hinshaw, Hogan, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Knight (A), Lindsey, Maull, McAdory,

McClammy, McMillan, Millican, Minnifield, Moore, Morton, Newton (C), Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Rogers (J), Rogers (M), Sanderson, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Warren and Willis.

-62

And the bill:

H. 952. Relating to Limestone County; to provide further for the office of the county superintendent of education.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 57; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Box, Burke, Carns, Carothers, Clouse, Curry, Dean, Dolbare, Flowers, Ford, Gaines, Gaston, Gipson, Guin, Haney, Hill, Hogan, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Lindsey, Maull, McAdory, McClammy, Millican, Minnifield, Moore, Morton, Newton (C), Papucci, Parker (P), Parker (T), Payne, Perdue, Petelos, Pringle, Reed, Rogers (J), Rogers (M), Sanderson, Sims, Smith, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Warren and Willis.

-57

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Johnson (R), the Budget Isolation Resolution relating to the bill, H. 953, was adopted.

Yeas 62; Nays 0.

Yea:

Mr. Speaker, Allen, Black (M), Box, Burke, Carns, Carothers, Clouse, Collins, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Graham, Guin, Haney, Hawkins, Hill, Hogan, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Knight (A), Lindsey, Maull, McAdory, McClammy, McMillan, Melton, Millican, Minnifield, Moore, Morton, Newton (C), Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Rogers (J), Rogers (M), Sanderson, Sims, Smith, Spratt, Thomas (J), Townsend, Turnham, Vance, Warren and Willis.

-62

And the bill:

H. 953. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Sylacauga, Talladega County.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 60; Nays 0.

Yea:

Mr. Speaker, Allen, Black (M), Box, Burke, Carns, Carothers, Clouse, Curry, Dean, Dukes, Flowers, Gaston, Gipson, Graham, Guin, Hawkins, Hill, Hinshaw, Hogan, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Knight (A), Letson, Lindsey, Maull, McAdory, McClammy, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Rogers (J), Rogers (M), Sanderson, Sims, Smith, Spratt, Thomas (J), Townsend, Turnham, Vance and Warren.

-60

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Guin, the Budget Isolation Resolution relating to the bill, H. 955, was adopted.

Yeas 60; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Box, Burke, Carothers, Clouse, Curry, Dean, Flowers, Gaines, Gaston, Gipson, Guin, Haney, Hayden, Hill, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Layson, Letson, Lindsey, Maull, McAdory, McClammy, McKee, McMillan, Millican, Minnifield, Moore, Morrison, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Penry, Perdue, Petelos, Pringle, Reed, Rogers (M), Sims, Smith, Spratt, Thomas (D), Thomas (J), Turnham, Vance, Warren and Willis.

-60

And the bill:

H. 955. Relating to Walker County; to provide for the distribution of a portion of any tonnage fee collected at any private landfill in the county for the purpose of providing an annual bonus to county employees.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 67; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Box, Boyd, Burke, Carothers, Clouse, Collins, Curry, Dean, Dolbare, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (L), Haney, Hayden, Hill, Hinshaw, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Layson, Letson, Lindsey, Maull, McAdory, McClammy, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Penry, Perdue, Petelos, Pringle, Reed, Rogers (J), Rogers (M), Sims, Smith, Spratt, Thomas (D), Thomas (J), Turnham, Vance, Warren, White and Willis.

-67

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Black (L), the Budget Isolation Resolution relating to the bill, H. 957, was adopted.

Yeas 65; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carothers, Clouse, Curry, Dean, Dukes, Flowers, Gaines, Galliher, Gipson, Graham, Guin, Haney, Hayden, Hill, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Letson, Lindsey, Maull, McAdory, McClammy, McKee, Millican, Minnifield, Moore, Morrison, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Penry, Perdue, Petelos, Pringle, Reed, Rogers (J), Rogers (M), Sims, Smith, Spratt, Thomas (D), Thomas (J), Turnham, Vance, Warren, White, Willis and Wren.

-65

And the bill:

H. 957. (With Amendment): Relating to Sumter County; to amend Section 4 of Act No. 83-480, H. 669, 1983 Regular Session Acts 1983, p. 672), levying a fee on all hazardous and nonhazardous waste stored, deposited, or dumped at a site presently known as Chemical Waste Management, Inc., near Emelle; to further provide for the distribution of the fees.

was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 1, said committee amendment being as follows:

On page 1, line 19, delete the figure "83-840" and insert in lieu thereof the following: 83-480

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 60; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carothers, Clouse, Curry, Dean, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Haney, Hayden, Hill, Hinshaw, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Letson, Lindsey, Maull, McAdory, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morton, Murphree, Papucci, Parker (P), Penry, Perdue, Petelos, Reed, Robinson, Rogers (J), Rogers (M), Sims, Smith, Spratt, Thomas (D), Thomas (J), Turnham, Vance, Warren and Willis.

-60

And the bill:

H. 957. Relating to Sumter County; to amend Section 4 of Act No. 83-480, H. 669, 1983 Regular Session Acts 1983, p. 672), levying a fee on all hazardous and nonhazardous waste stored, deposited, or dumped at a site presently known as Chemical Waste Management, Inc., near Emelle; to further provide for the distribution of the fees.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 57; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carothers, Clouse, Curry, Dean, Dolbare, Flowers, Gaines, Gaston, Gipson, Graham, Guin, Hawk, Hayden, Hill, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Letson, Lindsey, Maull, McAdory, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morton, Murphree, Papucci, Parker (P), Penry, Perdue, Petelos, Reed, Rogers (J), Rogers (M), Smith, Spratt, Thomas (D), Thomas (J), Turnham, Vance and Warren.

-57

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Warren, the Budget Isolation Resolution relating to the bill, H. 961, was adopted.

Yeas 62; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carothers, Clouse, Collins, Curry, Dean, Dolbare, Dukes, Flowers, Gaines, Gaston, Gipson, Graham, Guin, Haney, Hawk, Hill, Hinshaw, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Layson, Letson, Lindsey, Maull, McAdory, McClammy, McKee, McMillan, Minnifield, Moore, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Petelos, Reed, Rogers (M), Sanderson, Sims, Smith, Spratt, Thomas (D), Thomas (J), Turnham, Vance, Warren, White and Willis.

-62

And the bill:

H. 961. Relating to Monroe County; providing for the establishment of a consolidated and unified system for assessment and collection of taxes under the supervision of an elected county official designated as county revenue commissioner; providing for the election, power, duties, term of office and compensation of the official; combining the offices of tax assessor and tax collector for that purpose; and providing for a referendum on the act.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 61; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Box, Burke, Carothers, Clouse, Curry, Dean, Dolbare, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (L), Haney, Hayden, Hill, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Kennedy, Knight (A), Layson, Letson, Lindsey, Maull, McAdory, McClammy, McKee, Millican, Minnifield, Mitchell, Moore, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Perdue, Petelos, Reed, Rogers (M), Sanderson, Sims, Smith, Thomas (D), Thomas (J), Turnham, Vance, Warren, White and Willis.

-61

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Thomas (D), the Budget Isolation Resolution relating to the bill, H. 972, was adopted.

Yeas 62; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Boyd, Burke, Carns, Carothers, Clouse, Collins, Curry, Dean, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Haney, Hawkins, Hayden, Hill, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Jorgensen, Kennedy, Knight (A), Letson, Lindsey, Maull, McAdory, McClammy, Millican, Minnifield, Moore, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Perdue, Petelos, Reed, Rogers (M), Sanderson, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, Warren and Willis.

-62

And the bill:

H. 972. Relating to St. Clair County; to allow the school districts of St. Clair County to levy an additional ad valorem tax for educational purposes.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 70; Nays 0.

Yea:

Representatives Allen, Baker, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carothers, Clouse, Collins, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Gaston, Gipson, Guin, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hogan, Houston, Jackson, Johnson (E), Jorgensen, Kennedy, Knight (A), Knight (J), Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morton, Newton (C), Parker (P), Parker (T), Penry, Perdue, Petelos, Reed, Rogers (M), Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, White and Willis.

-70

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Flowers, the Budget Isolation Resolution relating to the bill, H. 973, was adopted.

Yeas 61; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Box, Boyd, Burke, Buskey, Carothers, Clouse, Collins, Curry, Dean, Drake, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hammett, Haney, Hayden, Hill, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Letson, Maull, McAdory, McClammy, Millican, Minnifield, Moore, Morrison, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Petelos, Reed, Rogers (M), Sanderson, Sims, Smith, Starkey, Thomas (J), Turnham, Vance, Venable, White and Willis.

-61

And the bill:

H. 973. Relating to Pike County; providing further for the assessment and collection of ad valorem taxes on motor vehicles; transferring certain duties and responsibilities of the Revenue Commissioner or Tax Assessor and Tax Collector to the Judge of Probate; requiring an additional bond of the Judge of Probate; providing for the deposit of fees and commissions in the general fund of the county.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 70; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Box, Boyd, Buskey, Carothers, Clouse, Collins, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hammett, Haney, Hawk, Hayden, Hill, Hinshaw, Hogan, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Letson, Lindsey, Maull, McAdory, McClammy, McKee, McMillan, Millican, Minnifield, Mitchell, Moore, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Penry, Perdue, Petelos, Reed, Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (J), Turnham, Vance, Venable, White and Willis.

-70

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Penry, the Budget Isolation Resolution relating to the bill, H. 977, was adopted.

Yeas 56; Nays 0.

Yea:

Mr. Speaker, Black (L), Black (M), Boyd, Burke, Buskey, Carothers, Clouse, Collins, Curry, Dean, Drake, Dukes, Flowers, Gaines, Gipson, Guin, Hammett, Hayden, Hill, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Letson, Lindsey, Maull, McClammy, McMillan, Millican, Mitchell, Moore, Morrison, Morton, Murphree, Newton (C), Papucci, Parker (T), Penry, Petelos, Reed, Rogers (M), Sanderford, Sims, Spratt, Starkey, Thomas (J), Turnham, Venable, Warren and Willis.

-56

And the bill:

H. 977. Relating to Baldwin County, authorizing the county commission to regulate the placement of signs and billboards on county highways.

was taken up.

AMENDMENT OFFERED

Representative Penry offered the following amendment to the bill, H. 977:

Amend House Bill 977 in Section 1 on page 1, line 24 by adding the following sentence:

"Notwithstanding this provision, this act shall not apply to signs or notices used to designate the location of underground telecommunications or utility facilities."

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 66; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Boyd, Burke, Buskey, Carns, Carothers, Clouse, Collins, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Guin, Haney, Hawkins, Hayden, Hill, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Letson, Lindsey, Maull, McAdory, McClammy, McMillan, Melton, Millican, Mitchell, Moore, Morrison, Morton, Murphree, Papucci, Parker (P), Parker (T), Payne, Penry,

Petelos, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Sims, Smith, Townsend, Turnham, Vance, Warren, White and Willis.

-66

And the bill:

H. 977. Relating to Baldwin County, authorizing the county commission to regulate the placement of signs and billboards on county highways.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 70; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Box, Boyd, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Curry, Drake, Dukes, Flowers, Gaines, Gaston, Gipson, Graham, Guin, Hammett, Haney, Hayden, Hill, Hinshaw, Hogan, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Letson, Lindsey, Maull, McAdory, McClammy, McMillan, Millican, Minnifield, Mitchell, Moore, Morrison, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Reed, Robinson, Rogers (M), Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, Warren and Willis.

-70

MESSAGE FROM THE SENATE

Mr. Speaker:

The Presiding Officer of the Senate having signed the following Senate Bill, your signature thereto is requested:

S. 220. To amend Section 32-8-87, Code of Alabama 1975, relating to motor vehicle certificates of title, to provide further for the circumstances when a motor vehicle would be considered a total loss and to provide further for the issuance of a certificate of title to the owner of a salvage motor vehicle restored to its operating condition prior to damage.

McDOWELL LEE
Secretary

SIGNING OF SENATE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Message from the Senate.

BILLS ON THIRD READING RESUMED

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative McMillan, the Budget Isolation Resolution relating to the bill, H. 978, was adopted.

Yeas 62; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Box, Burke, Buskey, Carothers, Clark (W), Clouse, Collins, Dean, Dolbare, Dukes, Gaines, Gaston, Guin, Haney, Hayden, Hill, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Layson, Letson, Lindsey, McAdory, McClammy, McMillan, Millican, Minnifield, Mitchell, Moore, Morrison, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Penry, Perdue, Petelos, Robinson, Rogers (M), Sanderson, Sims, Smith, Spratt, Thomas (D), Thomas (J), Turnham, Vance, Venable, Warren and Willis.

-62

And the bill:

H. 978. Relating to Baldwin County; authorizing the county commission to impose a fee on the rental of video cassettes; to provide for the method of reporting and paying the fee; to provide for penalties for failure to pay the fee; and to provide for disposition of the proceeds from the fee.

was taken up.

SUBSTITUTE OFFERED

Representative McMillan offered the following substitute to the bill, H. 978:

A BILL
TO BE ENTITLED
AN ACT

Relating to Baldwin County; authorizing the county commission to impose a fee on the rental of video cassettes; to provide for the method of reporting and paying the fee; to provide for penalties for failure to pay the fee; and to provide for disposition of the proceeds from the fee.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The Baldwin County Commission may levy a privilege license fee in an amount not to exceed 10 percent of the amount of the rental on the rental of each video cassette in the county. This fee is inclusive of existing state and municipal privilege licenses and shall be levied in such a manner that no person, firm, partnership, corporation, or other business venture which rents video cassettes shall pay an amount of total privilege licenses exceeding 10 percent of the rental amount of each video cassette.

Section 2. Each person, firm, partnership, corporation, or other business venture which rents video cassettes shall report the rentals thereof each month on a form provided by the Baldwin County tax collecting official and pay the fees to the tax collecting official in the same method and manner as prescribed in Article 1 of Title 40, Code of Alabama 1975, as last amended. It is intended that this levy shall be on the consumer and the individual or company renting the video cassettes is acting as the agent for the county in collecting and reporting these fees.

Section 3. The receipts of the fees shall be deposited into the county general fund, shall be allocated for county library service, public libraries within the county, the South Baldwin Literacy Council, the Eastern Shore Literacy Council, and the North Baldwin Literacy Council according to guidelines promulgated by the county commission after consultation and input from the recipients.

Section 4. Anyone who fails to report or remit the fees when due shall be subject to the penalties prescribed in Sections 40-23-11, et seq., Code of Alabama 1975.

Section 5. This act shall become effective on the first day of the second month following its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 65; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Box, Boyd, Burke, Buskey, Clark (W), Clouse, Collins, Curry, Dean, Dolbare, Drake, Gaines, Gaston, Gipson, Guin, Hammett, Haney, Hawk, Hayden, Hill, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Letson, McAdory, McClammy, McDaniel, McMillan, Millican, Minnifield, Mitchell, Moore, Morrison, Morton, Murphree, Papucci, Parker (P), Parker (T), Penry, Perdue, Petelos, Reed, Robinson, Rogers (M), Sanderford, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Vance, Venable, Warren and Willis.

-65

And the bill:

H. 978. Relating to Baldwin County; authorizing the county commission to impose a fee on the rental of video cassettes; to provide for the method of reporting and paying the fee; to provide for penalties for failure to pay the fee; and to provide for disposition of the proceeds from the fee.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 65; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Box, Boyd, Burke, Buskey, Clark (W), Clouse, Collins, Curry, Dean, Dolbare, Drake, Dukes, Gaston, Gipson, Guin, Haney, Hawk, Hayden, Hill, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Jorgensen, Kennedy, Knight (A), Knight (J), Letson, McAdory, McClammy, McDaniel, McMillan, Millican, Minnifield, Mitchell, Moore, Morrison, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sims, Smith, Spratt, Starkey, Thomas (J), Vance, Venable, Warren, White and Willis.

-65

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative McMillan, the Budget Isolation Resolution relating to the bill, H. 979, was adopted.

Yeas 76; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Curry, Dean, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Guin, Haney, Hawkins, Hayden, Hill, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Letson, Lindsey, McAdory, McClammy, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Warren, White and Willis.

-76

And the bill:

H. 979. Relating to Baldwin County; to provide for the Baldwin County Commission to contract for the printing and publication of local laws, regulations, ordinances, court orders, and other related legal issues affecting the county; and to provide for the sale of the codes.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 61; Nays 0.

Yea:

Representatives Allen, Black (L), Boyd, Burke, Carns, Clouse, Collins, Curry, Drake, Dukes, Flowers, Gaines, Gaston, Guin, Haney, Hawkins, Hayden, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Jorgensen, Kennedy, Letson, McAdory, McClammy, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Warren, White and Willis.

-61

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Penry, the Budget Isolation Resolution relating to the bill, H. 980, was adopted.

Yeas 67; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Boyd, Burke, Carothers, Clark (W), Clouse, Collins, Curry, Dean, Drake, Dukes, Flowers, Gaines, Gaston, Gipson, Guin, Hawkins, Hayden, Hill, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Letson, Lindsey, McAdory, McClammy, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Penry, Perdue, Petelos, Pringle, Reed, Robinson, Sanderford, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Turner, Turnham, Vance, Warren, White and Willis.

-67

And the bill:

H. 980. Relating to Baldwin County; relating to the compensation and expense allowance for the Sheriff of Baldwin County; to further provide for an additional expense allowance and expiration date therefor and the sheriff's compensation in the next term of office.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 56; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Boyd, Buskey, Clark (W), Curry, Dean, Drake, Flowers, Gaines, Gaston, Gipson, Guin, Haney, Hayden, Hill, Hinshaw, Hogan, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Letson, Lindsey, McClammy, McMillan, Millican, Minnifield, Mitchell, Morrison, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Penry, Perdue, Petelos, Pringle, Reed, Robinson, Sanderford, Sims, Smith, Spratt, Starkey, Thomas (D), Turnham, Vance, Warren, White and Willis.

-56

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Penry, the Budget Isolation Resolution relating to the bill, H. 981, was adopted.

Yeas 66; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carothers, Clark (W), Clouse, Collins, Curry, Dean, Drake, Flowers, Gaines, Galliher, Gaston, Guin, Hayden, Hill, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Letson, Lindsey, McAdory, McClammy, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Penry, Perdue, Petelos, Pringle, Reed, Robinson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Turner, Turnham, Vance, Warren, White and Willis.

-66

And the bill:

H. 981. Relating to the twenty-eighth judicial circuit in Baldwin County; to provide an expense and automobile allowance to the district attorney of the judicial circuit.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 64; Nays 0.

Yea:

Mr. Speaker, Allen, Black (M), Box, Boyd, Burke, Clark (W), Clouse, Dean, Drake, Flowers, Gaines, Galliher, Gaston, Gipson, Guin, Haney, Hayden, Hill, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Letson, Lindsey, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Penry, Perdue, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Turner, Turnham, Vance, Warren, White and Willis.

-64

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Carothers, the Budget Isolation Resolution relating to the bill, S. 520, was adopted.

Yeas 63; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Boyd, Burke, Carothers, Clark (W), Clouse, Collins, Curry, Dean, Drake, Flowers, Gaines, Gaston, Gipson, Guin, Hamilton, Haney, Hayden, Hill, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Letson, Lindsey, McAdory, McClammy, McMillan, Millican, Minnifield, Moore, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Perdue, Petelos, Pringle, Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Turner, Turnham, Vance, Warren, White and Willis.

-63

And the bill:

S. 520. Relating to Houston County; amending Act No. 89-480 of the 1989 Regular Session, which levies a special county privilege and license tax; to redefine certain terms; to provide further for the collection of the tax; to authorize and provide for the collection of certain municipal privilege and license taxes by the Houston County Commission instead of the State Department of Revenue; to provide certain prerequisites for the collection of the tax and the time and manner of collection of the tax; to provide for a charge by the Houston County Commission for the collection of the tax; and to provide for when an amendment of a municipal ordinance levying the tax is effective and when the Houston County Commission is to perform its duties under this act.

was read a third time at length and passed.

Yeas 62; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Boyd, Burke, Carothers, Clark (W), Clouse, Collins, Curry, Dean, Dolbare, Drake, Flowers, Gaines, Gaston, Gipson, Graham, Guin, Haney, Hawkins, Hill, Hinshaw, Hogan, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Letson, Lindsey, McAdory, McClammy, Millican, Minnifield, Moore, Murphree, Papucci, Parker (P), Penry, Perdue, Petelos, Pringle, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Turner, Turnham, White and Willis.

-62

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Parker (P), the Budget Isolation Resolution relating to the bill, S. 539, was adopted.

Yeas 57; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Boyd, Burke, Clark (W), Collins, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Gaston, Gipson, Graham, Guin, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Kennedy, Knight (A), Knight (J), Letson, Lindsey, McAdory, McClammy, McMillan, Melton, Millican, Minnifield, Murphree, Papucci, Parker (P), Parker (T), Penry, Perdue, Pringle, Rogers (J), Rogers (M), Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Turnham, Vance and Willis.

-57

And the bill:

S. 539. Relating to Morgan County; providing for an additional service fee to be charged and collected with respect to the issuance and service of all legal process issued in the district and circuit courts of Morgan County which is required or requested to be served personally by the Sheriff of Morgan County; and providing for the payment of the fees collected to the county commission for credit to the general fund of the county.

was read a third time at length and passed.

Yeas 56; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Box, Boyd, Burke, Buskey, Clark (W), Dean, Drake, Dukes, Flowers, Gaines, Gaston, Graham, Guin, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Kennedy, Knight (A), Knight (J), Letson, Lindsey, McAdory, McClammy, McMillan, Millican, Minnifield, Mitchell, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Penry, Perdue, Pringle, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Turner, Turnham, Vance, Venable and Willis.

-56

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Parker (P), the Budget Isolation Resolution relating to the bill, S. 540, was adopted.

Yeas 59; Nays 0.

Yea:

Mr. Speaker, Allen, Boyd, Burke, Clark (W), Collins, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Gaston, Gipson, Graham, Guin, Hammett, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Letson, Lindsey, McAdory, McMillan, Millican, Minnifield, Mitchell, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Penry, Perdue, Petelos, Pringle, Rogers (M), Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Turner, Turnham, Vance, Venable, Warren and Willis.

-59

And the bill:

S. 540. Relating to Morgan County; providing for costs and charges in the circuit and district courts in the county in all civil and criminal cases; and providing for distribution of the revenues to be derived from the additional court costs.

was read a third time at length and passed.

Yeas 52; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Box, Boyd, Burke, Buskey, Curry, Dean, Drake, Dukes, Flowers, Gaines, Gaston, Gipson, Graham, Guin, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Letson, McAdory, Millican, Mitchell, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Petelos, Pringle, Rogers (M), Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Turnham, Vance, Venable, Warren and Willis.

-52

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Parker (P), the Budget Isolation Resolution relating to the bill, S. 541, was adopted.

Yeas 55; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Boyd, Burke, Collins, Curry, Dean, Dolbare, Drake, Dukes, Gaines, Gaston, Gipson, Graham, Guin, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Kennedy, Knight (A), Knight (J), Letson, Lindsey, McAdory, McClammy, McMillan, Millican, Minnifield, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Penry, Perdue, Pringle, Rogers (M), Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Vance, Warren and Willis.

-55

And the bill:

S. 541. Relating to Morgan County; providing for an additional filing fee to be charged and collected on all instruments filed for record in the office of the judge of probate for the purpose of establishing and operating a county archives and the development and implementation of an improved indexing and records management system in the office of the judge of probate; and providing for the use of other county funds for the same purposes.

was read a third time at length and passed.

Yeas 55; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Burke, Carothers, Curry, Dean, Drake, Dukes, Gaines, Gaston, Gipson, Graham, Guin, Hamilton, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Kennedy, Knight (A), Knight (J), Letson, Lindsey, McAdory, McClammy, McMillan, Millican, Minnifield, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Penry, Perdue, Petelos, Pringle, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Turner, Vance, Venable, Warren and Willis.

-55

BUDGET ISOLATION RESOLUTION TEMPORARILY CARRIED OVER

On motion of Representative Flowers, the Budget Isolation Resolution and the bill, S. 608, were temporarily carried over.

BUDGET ISOLATION RESOLUTION TEMPORARILY CARRIED OVER

On motion of Representative Flowers, the Budget Isolation Resolution and the bill, S. 609, were temporarily carried over.

BUDGET ISOLATION RESOLUTION TEMPORARILY CARRIED OVER

On motion of Representative Flowers, the Budget Isolation Resolution and the bill, S. 610, were temporarily carried over.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Crigler, the Budget Isolation Resolution relating to the bill, H. 958, was adopted.

Yeas 60; Nays 0.

Yea:

Representatives Allen, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carothers, Clark (W), Collins, Dean, Drake, Gaines, Gaston, Gipson, Guin, Hamilton, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Letson, Lindsey, McClammy, McKee, McMillan, Melton, Millican, Mitchell, Morrison, Morton, Murphree, Papucci, Parker (P), Penry, Petelos, Pringle, Reed, Rogers (J), Rogers (M), Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Turner, Vance, Warren and Willis.

-60

And the bill:

H. 958. Relating to the pension and relief system for policemen and firemen of the City of Mobile, in Mobile County, and eligibility for a service-connected disability; further amending Section 13 of Act No. 243, H. 278 of the 1964 First Special Session (Acts 1964, p. 326) providing for disabilities and the years for continuous service for police officers to qualify therefor.

was taken up.

AMENDMENT OFFERED

Representative Crigler offered the following amendment to the bill, H. 958:

On page 1, line 18, after the word "therefor" insert the following: ; and to exclude certain disabilities

On page 4, after line 11, insert the following new Section 2 as follows:

Section 2. This act shall not be construed to cover any disability that occurs prior to employment by the City of Mobile.

On page 4, line 12, after the word "Section," delete "2" and insert in lieu thereof: 3

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 64; Nays 0.

Yea:

Mr. Speaker, Allen, Black (M), Box, Boyd, Burke, Buskey, Carothers, Clark (W), Collins, Curry, Dean, Dolbare, Drake, Gaines, Gaston, Gipson, Guin, Hamilton, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Letson, Lindsey, McAdory, McClammy, McMillan, Melton, Millican, Mitchell, Morrison, Morton, Murphree, Papucci, Parker (P), Penry, Petelos, Pringle, Rogers (J), Rogers (M), Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Turner, Vance, Warren and Willis.

-64

And the bill:

H. 958. Relating to the pension and relief system for policemen and firemen of the City of Mobile, in Mobile County, and eligibility for a service-connected disability; further amending Section 13 of Act No. 243, H. 278 of the 1964 First Special Session (Acts 1964, p. 326) providing for disabilities and the years for continuous service for police officers to qualify therefor; and to exclude certain disabilities.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 56; Nays 0.

Yea:

Mr. Speaker, Allen, Black (M), Box, Burke, Carothers, Clouse, Dean, Drake, Flowers, Gaines, Gaston, Gipson, Guin, Haney, Hawkins, Hayden, Hill, Hilliard, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Kennedy, Knight (A), Knight (J), Lindsey, McAdory, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Morrison, Morton, Murphree, Penry, Perdue, Petelos, Robinson,

Rogers (M), Sanderson, Seibenhener, Sims, Spratt, Starkey, Thomas (D), Thomas (J), Turner, Turnham, Vance, Venable, Warren and Willis.

-56

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Turner, the Budget Isolation Resolution relating to the bill, H. 838, was adopted.

Yeas 73; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Curry, Dean, Drake, Dukes, Flowers, Gaines, Gaston, Gipson, Guin, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Kennedy, Knight (A), Knight (J), Lindsey, McAdory, McClammy, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Morrison, Morton, Murphree, Papucci, Parker (P), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable and Willis.

-73

And the bill:

H. 838. (With Amendment): Relating to the Thirteenth Judicial Circuit of Alabama in Mobile County; authorizing the district attorney to establish a Recovery Unit within the Special Services Division as authorized by Section 12-17-24 of the Code of Alabama 1975; providing for collection and the enforcement of court orders in certain cases of nonpayment of restitution to victims of crimes, fines for failure to appear in the court, court costs, fines, penalty payments, victim compensation assessments, and bond forfeitures; providing for a collection fee; providing funds for a new recovery unit; and providing for a fund to assist in the implementation of this act.

was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 3, said committee amendment being as follows:

On page 5, line 2, after the word "distributed" delete the words ~~to the~~ and lines 3 to 5, inclusive, in their entirety and insert in lieu thereof the following:

(1) The municipal court funds received from the service charge shall be distributed to the city general fund. The city may disburse the funds as deemed necessary.

(2) The district and circuit court funds received from the service charge shall be distributed to the Mobile County Community Corrections Center to be expended for any lawful purposes related to the operation of the Mobile County Community Corrections Center.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 66; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Clark (W), Clouse, Collins, Curry, Dean, Drake, Dukes, Flowers, Gaines, Gaston, Gipson, Graham, Guin, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Kennedy, Knight (A), Lindsey, McClammy, McKee, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morton, Murphree, Newton (C), Papucci, Parker (P), Payne, Penry, Perdue, Petelos, Reed, Robinson, Rogers (M), Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance and Willis.

-66

And the bill:

H. 838. Relating to the Thirteenth Judicial Circuit of Alabama in Mobile County; authorizing the district attorney to establish a Recovery Unit within the Special Services Division as authorized by Section 12-17-24 of the Code of Alabama 1975; providing for collection and the enforcement of court orders in certain cases of nonpayment of restitution to victims of crimes, fines for failure to appear in the court, court costs, fines, penalty payments, victim compensation assessments, and bond forfeitures; providing for a collection fee; providing funds for a new recovery unit; and providing for a fund to assist in the implementation of this act.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 68; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Gaston, Gipson, Graham, Guin, Hammett, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Kennedy, Knight (A), Lindsey, McAdory, McClammy, McMillan, Millican, Minnifield, Mitchell, Moore, Morrison, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Rogers (M), Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turnham, Venable and Willis.

-68

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Box, the Budget Isolation Resolution relating to the bill, H. 906, was adopted.

Yeas 67; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Curry, Dean, Drake, Dukes, Flowers, Gaines, Gaston, Gipson, Guin, Hawk, Hill, Hilliard, Hinshaw, Hogan, Houston, Johnson (E), Johnson (R), Kennedy, Knight (A), Knight (J), McAdory, McClammy, McKee, McMillan, Millican, Minnifield, Mitchell, Morrison, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (M), Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable and Willis.

-67

And the bill:

H. 906. To amend Section 8 of Act No. 970, S. 378 of the 1961 Regular Session (Acts 1961, p. 1545), as amended by Act No. 92-395, H. 736 of the 1992 Regular Session (Acts 1992, p. 815), relating to Mobile County and the fees for registration of motor vehicles by mail, to provide further for motor vehicles registered by mail by persons 65 years of age or older, and for an effective date.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 65; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Box, Boyd, Burke, Buskey, Clark (W), Clouse, Crigler, Curry, Dean, Drake, Dukes, Flowers, Gaines, Gaston, Gipson, Graham, Guin, Hammett, Hawk, Hill, Hilliard, Hinshaw, Hogan, Houston, Johnson (E), Kennedy, Knight (A), Lindsey, McAdory, McClammy, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Penry, Perdue, Petelos, Rogers (M), Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Turner, Turnham, Vance, Venable and Willis.

-65

PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative Pringle intended to vote "Yea" on passage of the bill, H. 906.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Turner, the Budget Isolation Resolution relating to the bill, H. 963, was adopted.

Yeas 63; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Dean, Drake, Dukes, Flowers, Gaines, Gaston, Gipson, Guin, Hawkins, Hayden, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Kennedy, Lindsey, McAdory, McClammy, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Rogers (J), Rogers (M), Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turnham, Vance and Willis.

-63

And the bill:

H. 963. Relating to Mobile County; amending Section 2 of Act No. 81-132, H. 229 of the 1981 Regular Session (Acts 1981, p. 152), regulating the operation and licensing of massage parlors in Mobile County, to further provide for definitions and exceptions.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 68; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Crigler, Dean, Drake, Flowers, Gaines, Gaston, Gipson, Guin, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Kennedy, Knight (A), Lindsey, McAdory, McClammy, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Rogers (J), Rogers (M), Sanderson, Sims, Smith, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable and Willis.

-68

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Clark (W), the Budget Isolation Resolution relating to the bill, H. 965, was adopted.

Yeas 61; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Box, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Crigler, Dean, Dolbare, Drake, Gaines, Gaston, Gipson, Hawkins, Hill, Hilliard, Hinshaw, Houston, Jackson, Johnson (E), Johnson (R), Kennedy, Knight (A), Knight (J), Lindsey, McAdory, McClammy, McKee, McMillan, Melton, Millican, Mitchell, Moore, Morrison, Morton, Murphree, Newton (C), Papucci, Parker (P), Payne, Penry, Petelos, Pringle, Rogers (J), Rogers (M), Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turnham, Vance and Willis.

-61

And the bill:

H. 965. Relating to the City of Prichard; creating the Prichard Transportation Authority; and providing for the composition, terms, duties, and powers of the authority.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 66; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Crigler, Dean, Drake, Flowers, Gaines, Gaston, Gipson, Guin, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Knight (A), Knight (J), Lindsey, McAdory, McClammy, McKee, McMillan, Melton, Millican, Mitchell, Moore, Morrison, Morton, Murphree, Papucci, Parker (P), Payne, Penry, Petelos, Pringle, Rogers (J), Rogers (M), Sanderson, Seibenhener, Sims, Smith, Starkey, Thomas (D), Thomas (J), Townsend, Turnham, Venable and Willis.

-66

PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative Kennedy intended to vote "Yea" on passage of the bill, H. 965.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Clark (W), the Budget Isolation Resolution relating to the bill, H. 966, was adopted.

Yeas 67; Nays 0.

Yea:

Mr. Speaker, Allen, Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Crigler, Curry, Dean, Drake, Flowers, Gaines, Gaston, Gipson, Graham, Guin, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Kennedy, Knight (A), Lindsey, McAdory, McClammy, McKee, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morton, Murphree, Papucci, Parker (P), Payne, Perdue, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance and Willis.

-67

And the bill:

H. 966. Relating to the City of Prichard; creating the Prichard Communication Authority; providing for the authority's composition, terms, duties, and powers; and providing for funding for the operation of the authority.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 68; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Crigler, Curry, Dean, Drake, Flowers, Gaines, Gaston, Gipson, Graham, Guin, Hammett, Hawk, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Kennedy, Knight (A), Knight (J), Lindsey, McClammy, McKee, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morton, Murphree, Newton (C), Papucci, Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Rogers (M), Sanderson, Seibenhener, Sims, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable and Willis.

-68

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative McKee, the Budget Isolation Resolution relating to the bill, S. 357, was adopted.

Yeas 68; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Curry, Dean, Drake, Flowers, Gaines, Gaston, Gipson, Guin, Hammett, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Kennedy, Knight (A), Knight (J), Lindsey, McAdory, McClammy, McKee, Melton, Millican, Minnifield, Moore, Morrison, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Perdue, Petelos, Pringle, Rogers (M), Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, Willis and Wren.

-68

And the bill:

S. 357. (With Amendment): To amend Sections 3.05 and 4.04 of Act No. 618, H. 796, 1973 Regular Session of the Legislature, relating to the Mayor-Council form of government in cities with a population of not less than 70,000 nor more than 135,000 inhabitants according to the 1970 or any subsequent federal decennial census; so as to further provide for the Council of such cities to set per diem allowances, salaries, or expense allowances for the Council and Mayor.

was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 5, said committee amendment being as follows:

On page 2, line 1, after the word "above" delete the word "twenty" and insert in lieu thereof the following: sixteen

On page 2, line 2, delete "(20,000)" and insert in lieu thereof the following: (16,000)

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 57; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Box, Boyd, Buskey, Carns, Carothers, Collins, Dean, Drake, Gaston, Gipson, Guin, Hamilton, Hammett, Hawkins, Hayden, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Kennedy, Knight (J), Lindsey, McClammy, McKee, Melton, Minnifield, Moore, Morrison, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Perdue, Pringle, Rogers (J), Sanderson, Sims, Smith, Spratt, Starkey, Thomas (J), Townsend, Turnham, Vance, Venable, Willis and Wren.

-57

And the bill S. 357, as amended, was read a third time at length and passed.

Yeas 60; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Dean, Drake, Gaines, Gaston, Gipson, Guin, Hamilton, Hammett, Hawkins, Hayden, Hill, Hilliard, Hogan, Jackson, Johnson (E), Johnson (R), Kennedy, Knight (A), Knight (J), Lindsey, McClammy, McKee, Melton, Minnifield, Moore, Morrison, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Penry, Perdue, Petelos, Pringle, Rogers (J), Rogers (M), Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Turnham, Vance, Venable, Willis and Wren.

-60

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Hill, the Budget Isolation Resolution relating to the bill, S. 480, was adopted.

Yeas 67; Nays 0.

Yea:

Mr. Speaker, Allen, Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clouse, Dean, Drake, Dukes, Gaines, Gaston, Gipson, Guin, Hamilton, Hammett, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Kennedy, Knight (A), Letson, Lindsey, McAdory, McClammy, Melton, Minnifield, Moore, Morrison, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Rogers (M), Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren and Willis.

-67

And the bill:

S. 480. Relating to Shelby County; to transfer the license-issuing division within the Office of the Judge of Probate to the county commission for issuance of certain licenses; to provide for the selection and development of classified service personnel for the license-issuing division; to provide certain duties for the division; to provide for an optional procedure for the renewal of motor vehicle licenses in the county by mail; to authorize certain additional fees and costs pursuant to the system of renewal of motor vehicle licenses by mail; to provide that the fees would be set by the county commission from time to time to pay the cost of mailing tags or decals; to prescribe procedures for the assessing and collecting of certain taxes; and to provide that the issuance of marriage licenses would remain the responsibility of the Office of the Judge of Probate.

was read a third time at length and passed.

Yeas 62; Nays 0.

Yea:

Mr. Speaker, Allen, Black (M), Box, Boyd, Buskey, Carothers, Clouse, Dean, Drake, Dukes, Flowers, Gaines, Gaston, Gipson, Guin, Hammett, Hawk, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Johnson (E), Johnson (R), Kennedy, Knight (A), Letson, Lindsey, McClammy, McKee, Minnifield, Moore, Morrison, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Penry, Perdue, Petelos, Pringle, Rogers (J), Rogers (M), Sanderson, Seibenhener, Sims, Smith, Starkey, Thomas (D), Thomas (J), Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

-62

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Hill, the Budget Isolation Resolution relating to the bill, H. 971, was adopted.

Yeas 69; Nays 0.

Yea:

Mr. Speaker, Allen, Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clouse, Collins, Curry, Dean, Drake, Dukes, Gaines, Gaston, Gipson, Guin, Hammett, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Kennedy, Knight (A), Letson, Lindsey, McAdory, McClammy, Minnifield, Mitchell, Moore, Morrison, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Pringle, Rogers (J), Rogers (M), Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

-69

And the bill:

H. 971. Relating to Shelby County; amending Act No. 94-666, H. 906, 1994 Regular Session, imposing a fee on the privilege of engaging in the business of real estate transactions to provide further for the effective date of the act.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 58; Nays 0.

Yea:

Mr. Speaker, Allen, Black (M), Boyd, Burke, Carns, Carothers, Clouse, Dean, Drake, Dukes, Gaines, Gaston, Guin, Hammett, Hawk, Hawkins, Hill, Hinshaw, Hogan, Hooper, Houston, Johnson (E), Johnson (R), Kennedy, Knight (A), Letson, Lindsey, McAdory, McClammy, Melton, Minnifield, Moore, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Pringle, Rogers (J), Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, Warren and Willis.

-58

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Turnham, the Budget Isolation Resolution relating to the bill, S. 518, was adopted.

Yeas 57; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Boyd, Burke, Carothers, Clouse, Collins, Dean, Dolbare, Drake, Flowers, Gaines, Gaston, Gipson, Guin, Hawkins, Hayden, Hill, Hilliard, Hogan, Houston, Johnson (E), Johnson (R), Kennedy, Knight (A), Letson, Lindsey, McAdory, McKee, Melton, Minnifield, Moore, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Penry, Perdue, Pringle, Rogers (J), Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Turner, Turnham, Vance, Venable, Warren and Willis.

-57

And the bill:

S. 518. To authorize the governing body of the City of Auburn, Alabama, pursuant to Amendment No. 373 to the Constitution of Alabama of 1901, to increase the rate at which there is levied and collected by the said city, on all taxable property situated within the said city, the special ad valorem tax for the support and furtherance of education which is authorized in Amendment No. 8 to the Constitution, to a maximum rate, for any tax year of the said city, which is equal to \$1.10 on each one hundred dollars (11 mills on each dollar) of assessed value.

was read a third time at length and passed.

Yeas 64; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Boyd, Burke, Carns, Carothers, Clouse, Curry, Dean, Drake, Dukes, Flowers, Gaines, Gaston, Gipson, Graham, Guin, Hammett, Hawk, Hawkins, Hayden, Hill, Hilliard, Hogan, Hooper, Houston, Johnson (E), Johnson (R), Kennedy, Knight (A), Letson, Lindsey, McAdory, McClammy, Minnifield, Moore, Morrison, Morton, Murphree, Newton (C), Papucci, Parker (P), Payne, Penry, Perdue, Pringle, Rogers (J), Rogers (M), Sanderson, Seibenhener, Sims, Smith, Starkey, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, Warren, White and Willis.

-64

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Thomas (J), the Budget Isolation Resolution relating to the bill, H. 959, was adopted.

Yeas 57; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Boyd, Burke, Carothers, Clouse, Collins, Curry, Dean, Dolbare, Drake, Gaston, Gipson, Graham, Guin, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Kennedy, Knight (A), Lindsey, Maull, McAdory, McClammy, Melton, Minnifield, Moore, Morton, Newton (C), Papucci, Parker (P), Parker (T), Perdue, Pringle, Rogers (M), Seibenhener, Sims, Smith, Spratt, Starkey, Turnham, Vance, Warren and Willis.

-57

And the bill:

H. 959. Relating to Dallas County; amending Act No. 94-669, H.923, 1994 Regular Session, which provides for a special transaction fee on certain public business to provide that the fee shall be paid to the County License Commissioner and to provide for a retroactive effect.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 60; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Boyd, Burke, Carothers, Clouse, Curry, Dean, Dolbare, Drake, Gaston, Gipson, Graham, Guin, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Kennedy, Knight (A), Lindsey, Maull, McAdory, McClammy, Melton, Minnifield, Mitchell, Moore, Morton, Newton (C), Papucci, Parker (P), Parker (T), Perdue, Petelos, Pringle, Reed, Rogers (M), Sims, Smith, Spratt, Starkey, Thomas (J), Turnham, Vance, Venable, Warren and Willis.

-60

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Thomas (J), the Budget Isolation Resolution relating to the bill, H. 960, was adopted.

Yeas 64; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Boyd, Burke, Carothers, Clouse, Collins, Curry, Dolbare, Drake, Dukes, Gaines, Gipson, Guin, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Kennedy, Knight (A), Knight (J), Lindsey, Maull, McAdory, McClammy, Melton, Minnifield, Mitchell, Moore, Morton, Newton (C), Papucci, Parker (P), Parker (T), Perdue, Pringle, Reed, Rogers (M), Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren and Willis.

-64

And the bill:

H. 960. Relating to Dallas County; to provide for the investment of interest on interest-bearing accounts collected by the Circuit Clerk of Dallas County; to provide for the distribution of the interest of the investment; to establish a special fund; and to specify uses and restrictions of the funds.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 68; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Boyd, Burke, Carns, Carothers, Clouse, Curry, Dean, Drake, Dukes, Gaines, Gaston, Gipson, Graham, Guin, Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Kennedy, Knight (A), Knight (J), Letson, Lindsey, Maull, McAdory, McClammy, Melton, Minnifield, Mitchell, Moore, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Perdue, Petelos, Pringle, Rogers (M), Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Vance, Venable, Warren and Willis.

-68

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Morrison, the Budget Isolation Resolution relating to the bill, H. 949, was adopted.

Yeas 64; Nays 1.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Boyd, Burke, Carothers, Clouse, Collins, Curry, Dean, Dolbare, Drake, Ford, Gaston, Gipson, Graham, Guin, Hamilton, Hammett, Haney, Hawk, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Kennedy, Knight (A), Knight (J), Letson, Lindsey, Maull, McClammy, Melton, Moore, Morrison, Morton, Murphree, Newton (C), Papucci, Parker (T), Payne, Petelos, Pringle, Reed, Rogers (M), Sanderson, Seibenhener, Sims, Spratt, Starkey, Thomas (D), Townsend, Turnham, Vance, Venable, Warren and Willis.

-64

Nay:

Representative Gaines.

- 1

And the bill:

H. 949. (With Substitute): Relating to Cullman County; providing further for the distribution and expenditure of new growth money received from the Tennessee Valley Authority in lieu of ad valorem tax payments and amending Section 1 of Act No. 896, S. 776 of the 1978 Regular Session (Acts 1978, p. 1333).

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Local Legislation No. 1, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

Relating to Cullman County; providing further for the distribution and expenditure of new growth money received from the Tennessee Valley Authority in lieu of ad valorem tax payments and amending Section 1 of Act No. 896, S. 776 of the 1978 Regular Session (Acts 1978, p. 1333).

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 1 of Act No. 896, S. 776 of the 1978 Regular Session (Acts 1978, p. 1333), is amended to read as follows:

"Section 1. (a) Any payments coming into the treasury of Cullman County that are derived, directly or indirectly, from payments by the Tennessee Valley Authority in lieu of the payment of ad valorem taxes shall be placed in a separate fund to be known as the "TVA Payments Fund." Except as provided in subsection (b), the monies in the fund shall be paid out and used in the following percentages and manner:

"(1) Fifty percent shall be used exclusively for the maintenance, repair, construction and reconstruction of the public roads and bridges in Cullman County.

"(2) Twenty-five percent shall be distributed directly to the incorporated municipalities in Cullman County on the basis of population.

"(3) Twenty-five percent shall be paid into the general fund and may be used for any of the lawful purposes of Cullman County.

"(b) Subsection (a) of this section notwithstanding, commencing with the effective date of this amendatory act, any new growth money greater than the amounts received in the past paid into the "TVA Payments Fund," directly or indirectly, shall be paid out and used in the following manner:

"(1) The first one hundred twenty-five thousand dollars (\$125,000) shall be distributed directly to the county board of education until the year 2017.

"(2) The remainder shall be used and distributed as provided in subsection (a) of this section.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 71; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Boyd, Burke, Carns, Carothers, Clouse, Collins, Curry, Dean, Drake, Ford, Gaines, Gaston, Gipson, Guin, Hamilton, Hammett, Haney, Hawk, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Letson, Lindsey, McAdory, McClammy, Melton, Minnifield, Moore, Morrison, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Perdue, Petelos, Pringle, Rogers (J), Rogers (M), Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, Warren and Willis.

AMENDMENT OFFERED

Representative Drake offered the following amendment to the bill, H. 949, as amended:

On page 2, on line 19, delete the language "until the year 2017" and insert in lieu thereof: ad infinitum

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 74; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Boyd, Burke, Carns, Carothers, Clouse, Collins, Curry, Dean, Dolbare, Drake, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Guin, Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Letson, Lindsey, McClammy, Melton, Minnifield, Mitchell, Moore, Morrison, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Perdue, Petelos, Pringle, Rogers (M), Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, Warren and Willis.

-74

And the bill:

H. 949. Relating to Cullman County; providing further for the distribution and expenditure of new growth money received from the Tennessee Valley Authority in lieu of ad valorem tax payments and amending Section 1 of Act No. 896, S. 776 of the 1978 Regular Session (Acts 1978, p. 1333).

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 73; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Burke, Carns, Clouse, Collins, Curry, Dean, Dolbare, Drake, Flowers, Ford, Gaines, Galliher, Gaston, Graham, Guin, Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Letson, Lindsey, Maull, McAdory, McClammy, Melton, Minnifield, Mitchell, Moore, Morrison, Morton, Murphree, Newton (C),

Papucci, Parker (P), Parker (T), Payne, Perdue, Petelos, Pringle, Rogers (J), Rogers (M), Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, Warren and Willis.

-73

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Vance, the Budget Isolation Resolution relating to the bill, H. 507, was adopted.

Yeas 58; Nays 0.

Yea:

Mr. Speaker, Allen, Boyd, Burke, Buskey, Carns, Carothers, Clouse, Collins, Curry, Dean, Dolbare, Drake, Flowers, Gaines, Gaston, Gipson, Graham, Guin, Hamilton, Hawk, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (R), Knight (A), Knight (J), McAdory, McClammy, Melton, Moore, Morton, Papucci, Parker (P), Payne, Perdue, Petelos, Pringle, Rogers (J), Rogers (M), Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Warren and Willis.

-58

And the bill:

H. 507. To create the Russell County Planning Commission; to provide for the organization, membership, power, personnel, jurisdiction, and financial and legal status of the planning commission; to authorize the planning commission to make subdivision regulations, a master plan, and to adopt zoning regulations for the orderly development of Russell County; to provide for an election prior to the application of such authority of the planning commission; to grant the planning commission power to zone certain areas within the county and provide a procedure for the amendment of zoning regulations; to prohibit zoning regulations from being retroactive; to provide remedies for the enforcement of the provisions of this act and to provide exceptions to the zoning regulations; and to provide for appeals from the decisions of the planning commission.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 66; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Boyd, Burke, Carns, Carothers, Collins, Curry, Dean, Drake, Dukes, Flowers, Gaines, Gaston, Gipson, Graham, Guin, Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Kennedy, Knight (A), Knight (J), McAdory, McClammy, Melton, Minnifield, Mitchell, Moore, Morrison, Morton, Papucci, Parker (P), Payne, Penry, Perdue, Petelos, Pringle, Rogers (J), Rogers (M), Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, Warren and Willis.

-66

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Flowers, the Budget Isolation Resolution relating to the bill, S. 608, was adopted.

Yeas 66; Nays 0.

Yea:

Mr. Speaker, Allen, Black (M), Boyd, Burke, Carns, Carothers, Clouse, Collins, Curry, Dean, Drake, Flowers, Gaines, Gaston, Gipson, Graham, Guin, Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Kennedy, Knight (A), Knight (J), Letson, Lindsey, McAdory, McClammy, Melton, Minnifield, Mitchell, Moore, Morton, Murphree, Newton (C), Papucci, Payne, Penry, Perdue, Petelos, Pringle, Rogers (M), Seibenhener, Sims, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turnham, Venable, Warren, White and Willis.

-66

And the bill:

S. 608. Relating to Pike County, providing that the judge of probate shall not receive compensation for publishing a list of qualified electors.

was read a third time at length and passed.

Yeas 57; Nays 0.

Yea:

Mr. Speaker, Allen, Boyd, Burke, Carns, Carothers, Clouse, Curry, Dean, Drake, Flowers, Gaines, Gaston, Graham, Guin, Hamilton, Hammett, Haney, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Johnson (E),

Johnson (R), Knight (A), Knight (J), Lindsey, McAdory, McClammy, Melton, Minnifield, Moore, Morrison, Morton, Murphree, Papucci, Payne, Perdue, Petelos, Pringle, Rogers (M), Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turnham, Venable, Warren, White and Willis.

-57

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Flowers, the Budget Isolation Resolution relating to the bill, S. 609, was adopted.

Yeas 60; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Burke, Carothers, Clouse, Collins, Curry, Dean, Drake, Dukes, Flowers, Gaines, Gaston, Gipson, Graham, Guin, Hamilton, Hammett, Haney, Hawk, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Kennedy, Knight (A), Knight (J), Letson, Lindsey, McClammy, Melton, Minnifield, Moore, Morrison, Murphree, Newton (C), Papucci, Penry, Perdue, Pringle, Rogers (M), Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Turnham, Vance, Venable, Warren and Willis.

-60

And the bill:

S. 609. Relating to Pike County; to increase the recording fees charged by the judge of probate.

was read a third time at length and passed.

Yeas 63; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Boyd, Burke, Buskey, Carothers, Clouse, Curry, Dean, Drake, Dukes, Gaston, Gipson, Guin, Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Kennedy, Knight (A), Knight (J), Letson, Lindsey, McAdory, McClammy, Melton, Minnifield, Moore, Morrison, Morton, Murphree, Newton (C), Papucci, Penry, Perdue, Petelos, Pringle, Rogers (M), Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (J), Turnham, Vance, Venable, Warren, White and Willis.

-63

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Flowers, the Budget Isolation Resolution relating to the bill, S. 610, was adopted.

Yeas 61; Nays 0.

Yea:

Representatives Allen, Baker, Black (M), Burke, Carothers, Clouse, Collins, Dean, Dolbare, Drake, Dukes, Flowers, Gaston, Gipson, Graham, Guin, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Kennedy, Knight (A), Letson, Lindsey, McAdory, McClammy, Melton, Minnifield, Moore, Morrison, Morton, Murphree, Newton (C), Papucci, Parker (P), Penry, Perdue, Pringle, Rogers (J), Rogers (M), Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (J), Turnham, Vance, Venable, Warren, White and Willis.

-61

And the bill:

S. 610. Relating to Pike County; to assess an additional fee on civil and criminal cases in the county.

was read a third time at length and passed.

Yeas 59; Nays 0.

Yea:

Mr. Speaker, Allen, Black (M), Boyd, Burke, Carothers, Clouse, Dean, Drake, Dukes, Gaines, Gaston, Gipson, Graham, Guin, Hamilton, Hammett, Haney, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Kennedy, Knight (A), Knight (J), Letson, Lindsey, McClammy, Melton, Minnifield, Mitchell, Moore, Morrison, Morton, Murphree, Newton (C), Papucci, Parker (P), Penry, Rogers (M), Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Turnham, Vance, Venable, Warren, White and Willis.

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MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Hill, the rules were suspended in order to permit the Standing Committee on Banking to meet while the House is in Session.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 627. Providing for distinctive motor vehicle license tags or plates for persons employed or retired as United States postal carriers; prescribing the fees for the tags or plates; providing for disposition of the net proceeds from the fees; and providing for a delayed effective date.

McDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Kennedy, the House concurred in and adopted the Senate amendment to the bill, H. 627, said Senate amendment being as follows:

Amend House Bill 627 on page 2, line 12 after the word "vehicles," by inserting the following: "and the payment of an additional fee of \$3.00 to be used for production and administration costs,"

Yeas 65; Nays 1.

Yea:

Mr. Speaker, Allen, Black (M), Box, Boyd, Burke, Buskey, Carothers, Clark (W), Clouse, Collins, Curry, Dean, Drake, Dukes, Fuller, Gaines, Gaston, Gipson, Graham, Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Houston, Jackson, Johnson (E), Johnson (R), Kennedy, Knight (A), Letson, Lindsey, McAdory, Melton, Minnifield, Mitchell, Moore, Morrison, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Penry, Perdue, Petelos, Pringle, Rogers (J), Rogers (M), Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turnham, Warren and Willis.

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Nay:

Representative Payne.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 27. To amend Sections 34-24-140, 34-24-141, and 34-24-144, Code of Alabama 1975, relating to the Board of Chiropractic Examiners, to further provide for the membership and the operation of the board.

McDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Flowers, the House concurred in and adopted the Senate amendment to the bill, H. 27, said Senate amendment being as follows:

A BILL
TO BE ENTITLED
AN ACT

To amend Sections 34-24-140, 34-24-141, and 34-24-144, Code of Alabama 1975, relating to the Board of Chiropractic Examiners, to further provide for the membership and the operation of the board.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 34-24-140, 34-24-141, and 34-24-144, Code of Alabama 1975, are amended to read as follows:

"§34-24-140.

"(a) There is created and established a state board of chiropractic examiners. The board shall be composed of seven ~~eight~~ members, each of whom shall be. Seven members of the board shall be active licensed chiropractors elected as provided in this section, one from each congressional district in this state as the congressional districts exist on the effective date of the act amending this code section. A licensed member of the board shall be all of the following: a resident of Alabama who has resided in this state for at least five years; a resident of the congressional district from which elected; a graduate of a chartered chiropractic school or college, which required actual attendance in the school as a prerequisite to graduation ~~therefrom~~; currently engaged in the practice of chiropractic and has been engaged in the practice in this state for ~~a period of~~ at least five years; and of good moral character. ~~Not more than three members of the~~

~~board shall be graduates of the same chiropractic school or college. The present members of the board of chiropractic examiners shall serve out their appointed terms.~~

~~"(b) By June 15, 1989, or as soon as practical, the board shall call a caucus in Congressional Districts 2, 3, and 4. These districts shall nominate members to be submitted to the governor, who shall name one member from each congressional district, as soon as vacancies occur on the board. Additionally, on April 6, 1989, the governor shall appoint an additional consumer member to the board. One member of the board shall be a consumer member of the board appointed by the Governor. The consumer member shall have no vote in matters concerning licensure or discipline, and neither Neither the consumer member, nor his or her spouse, shall be a chiropractor. The consumer member shall not be an immediate family member of a chiropractor, nor shall he or she be employed in the chiropractic field. Two appointees will be appointed for a term ending December 31, 1993. The initial appointee for Congressional District 4, and the initial consumer member, will be appointed for a term ending December 31, 1992. Thereafter, the terms of appointment will be staggered for a period of four years.~~

~~"(e) The board shall call a caucus annually in June of resident licensed chiropractors in each congressional district that will have an upcoming vacancy occurring on the board, and shall notify the licensed chiropractors of each congressional district at least 30 days prior to the caucus, announcing the time and place of the caucus. All nominees' names shall be submitted to the governor who shall select from this list.~~

"(c) The elected members of the board shall be elected as provided in this subsection. In August of any year that the term of a member of the board expires, the Board of Chiropractic Examiners shall mail a notice of the election of the board and the method of qualifying as a candidate to each active licensed chiropractor in the district where the vacancy occurs at his or her permanent mailing address. The election provided for in this section shall be conducted by an independent agency such as a certified public accounting firm. The board shall set a period for candidates to qualify and the date for the ballots to be mailed. Candidates shall qualify by submitting their name to the executive secretary of the board during the qualifying period which shall be not less than 20 days nor more than 40 days after the notice is mailed. Not less than 14 days after the deadline for qualification, each licensed chiropractor shall be mailed a ballot for the appropriate congressional district where the vacancy is to be filled. In order to be counted, the ballots shall be received by the board not later than 14 days after the ballots are mailed. The ballots shall be maintained for a period of six months. The candidate with a simple majority of the votes cast in each respective congressional district shall be elected to the board position for that congressional district. In the event no candidate in a district receives a majority of the votes, the board shall hold a run-off election in the same manner as provided in this subsection. The members of the board shall take office immediately upon election and the executive secretary of the board shall set the first meeting of the board after the election of the new board.

"(d) Whenever a vacancy occurs on the board, whether by ~~expiration of the term, death, resignation of a member, or other cause, the vacancy shall be filled in the same manner as the original election or appointment is made for the remainder of the term of office. Before appointing any member of the board, the governor shall determine that the appointee is of high character and standing and possesses the other qualifications prescribed in this section.~~

"(e) The board may employ investigators, inspectors, attorneys, and any other agents, employees, and assistants as may from time to time be necessary, and may use any other means necessary to bring about and maintain a rigid administration and enforcement of state and federal law.

"(f) The board shall employ an executive secretary who shall be responsible for the administration of board policy. The executive secretary may be licensed to practice chiropractic in this state as provided in this article.

"(g) The board shall publish annually a directory listing all persons licensed to practice chiropractic in Alabama. Copies of the directory shall be made available from the executive secretary at a cost set from time to time by resolution of the board.

"§34-24-141.

"Upon the expiration of the respective terms of the seven members appointed for the terms ~~designated in section 34-24-140, before the effective date of this amendatory act, the members of the board shall be elected or appointed, as provided in Section 34-24-140, for a term of four years and the terms shall be staggered. beginning with date of appointment, it being the intent and purpose of this article that the members of the board shall serve for staggered terms of four years each. In the event that there are, on the effective date of this amendatory act, two or more board members serving from the same Congressional District based on redistricting, the members of the board shall serve until their term expires, and the vacancy shall be filled from any Congressional District where no member resides as the term or terms expire. No member shall serve more than two consecutive full terms on the board, effective January 1, 1990. Time served on the board prior to January 1, 1990, shall not count toward this limitation. The governor shall have the power to remove from office any member of the board for the neglect of any duty required by this article, for incompetency or for unprofessional conduct, or upon sufficient proof to the governor of the inability, misconduct or such conduct as in the discretion of the governor is unbecoming a member of the board. Vacancies on the board by reason of death, resignation or otherwise shall be filled by appointment by the governor for the unexpired term in the manner prescribed in section 34-24-140. A member of the board may be removed by the Governor for neglect of duty or just cause. Before taking office, the members of the board shall take and file with the secretary of state the constitutional oath of office required by section 279 of the Constitution of Alabama of 1901.~~

"§34-24-144.

"The members of the state board of chiropractic examiners shall convene within 30 days after their election or appointment and elect a president, vice-president, and secretary-treasurer from among their members, and thereafter the board shall elect, annually, after the commencement of the term of any board member, a president, vice-president and secretary-treasurer from among the members of the board. The board shall ~~hold its regular sessions biannually~~ meet at least twice a year and shall set by rule the regular meeting schedule of the board. The board shall adopt a seal, which shall be affixed to all licenses issued. A ~~majority~~ Five licensed members of the board shall constitute a quorum. The board shall may from time to time adopt ~~such~~ necessary rules and regulations ~~as it may deem proper and necessary~~ for the performance of its duties. The secretary-treasurer and the executive secretary of the board shall give bond in the principal sum of ~~\$1,000.00~~ one thousand dollars (\$1,000), payable to the state of Alabama, for the faithful performance of ~~his~~ their duties. The premiums for ~~such~~ the bond shall be paid by the board from funds appropriated for its use."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law, however, it shall not effect the term of any member of the board currently serving.

Yeas 66; Nays 0.

Yea:

Mr. Speaker, Allen, Black (M), Boyd, Carns, Carothers, Clouse, Collins, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Gaston, Gipson, Graham, Guin, Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hogan, Hooper, Jackson, Johnson (E), Johnson (R), Knight (A), Knight (J), Layson, Letson, Lindsey, McClammy, Melton, Minnifield, Moore, Morrison, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turnham, Warren, White and Willis.

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RESOLUTION

The following resolution was introduced:

By Rules Committee:

H.R. 387. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES; That immediately upon the adoption of this resolution, the following business, in the order set forth below, shall be the special and paramount order of business for

the twenty-sixth legislative day, Thursday, July 13, 1995, taking precedence over the regular order of business or any pending or unfinished business:

And the Following Bills:

Inst Id	Page
S. 265 - By Ghee (As Substituted)	160
Fair Campaign Practices Act, campaign contribs. during cert. periods prohib., political committees req. to pay annual fee and file report with Sec. of St., Secs. 17-22A-2 thru 17-22A-5, 17-22A-7 thru 17-22A-9, 17-22A-11, 17-22A-21 am'd.	
H. 854 - By Hooper	92
Court orders re disbursement of st. funds, legis. approval req., const. amend.	
H. 655 - By Hooper (As Amended)	60
Judicial Inquiry Commission, composition and powers, estab., const. amend.	
H. 194 - By Turner	8
Candidates for cert. judicial offices, disclosure statements, req., penalties provided	
S. 217 - By Waggoner (As Amended)	56
Employees' Retirement System, participation by cert. co. officers in lieu of a supernumerary system, const. amend.	
S. 55 - By Roberts	139
Sales tax, not levied on goods withdrawn from inventory and not for permanent use, Sec. 40-23-1 am'd.	
H. 462 - By Parker (T) (As Amended and Substituted)	2
Motor vehicles, seizure of vehicle driven by person with suspended driver's license, procedures, distrib. of fees, penalties	
H. 886 - By Sanderson	119
Oil license tax on wholesale sales, one-time fee, Sec. 40-17-174 am'd.	

Consideration of the following bills and the accompanying BIR shall be limited to a total of 10 minutes. Any bill that fails to pass within the 10-minute period will automatically revert to its position on the regular order calendar. These bills are not subject to motions to carry over temporarily or otherwise.

And the following bills:

H. 720 - By Knight (J) (As Amended) 93

Public records, personnel records, access to alt., Sec. 36-12-40 am'd.

H. 857 - By Turnham 104

Agriculture, fees for inspection, feed, fertilizer, and pesticides, Secs. 2-21-24, 2-22-4, 2-22-9, 2-23-5, 2-27-9 am'd.

H. 584 - By Sims (As Amended) 113

Taxation, deduction for qualified long-term care insurance policies, auth., Sec. 40-18-15 am'd.

H. 927 - By McKee (As Amended) 154

Fraud, crime of fraud, estab., penalty

H. 797 - By Clouse (As Amended) 91

Social workers, licensing of bachelor social workers, ed qualifications alt., Sec. 34-30-22 am'd.

H. 935 - By Hinshaw (As Substituted) 138

Developmentally disabled, bill of rights, estab.

H. 301 - By Hamilton 108

Rescue Units, cert., sales and use tax exempt, Sec. 40-23-5 am'd.

H. 578 - By McDaniel 141

Motor vehicles, dealer tags for wholesale and retail sales incr., Sec. 40-12-264 am'd.

H. 853 - By Payne (As Amended and Substituted) 150

Postsecondary Education Equity Fund, conditional approp.

H. 738 - By Hooper	110
Retired State Employees' Association, employees auth. to join st. employees' health insurance plan	
H. 152 - By Box	1
Boards of Registrars, voter files, maintenance activities, names purged	
H. 393 - By Wren	111
Motor vehicles, Fraternal Order of Police, distinctive license plates, auth. to be issued to active membs., Sec. 32-6-360 am'd., Act 94-614, 1994 Reg. Sess. am'd.	
H. 200 - By McDaniel (As Substituted)	143
Taxation, utility tax exemptions provided for, Sec. 40-21-83 am'd.	
H. 769 - By Letson	116
Lawrence Co., bd. of registrars, meeting days incr., Sec. 17-4-156 am'd.	
H. 395 - By Morrow	86
Tax, penalties for failure to timely file, payment provided, Sec. 40-2A-11 am'd.	
H. 725 - By Moore (As Amended)	115
Employees' Retirement System reopen for prior service with a district attorney, Sec. 36-27-57 am'd.	
H. 544 - By Melton (As Amended)	149
Colleges, historically black, Alabama commission on Historically Black Colleges and Universities, estab., board, powers, appointments, approp.	
H. 526 - By Curry	
H. 158 - By Crigler (As Amended)	16
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Forensic Sciences Dept., trust fund estab., fines on drug cases imposed, approp.

H. 520 - By Page (As Amended)

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Motor vehicles, Medal of Honor, Purple Heart, and Prisoners of War, distinctive license plates, add'l. payment of ad valorem tax, Sec. 32-6-250 am'd.

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On motion of Representative Ford, the resolution, H.R. 387, was adopted.	

SPECIAL ORDER CALENDAR

The House then proceeded with the consideration of the Special Order Calendar.

BUDGET ISOLATION RESOLUTION OFFERED

Representative Venable offered the motion to adopt the Budget Isolation Resolution relating to the bill, S. 265.

RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Representatives Sanderford, Haney, Jorgensen and Papucci:

H.R. 388. MOURNING THE DEATH OF JOHN FREDERICK WESSEL OF HUNTSVILLE, ALABAMA.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 442. To amend Section 1 of Act No. 94-694 of the 1994 Regular Session, now appearing as Section 11-47-7.1 of the Code of Alabama 1975, authorizing the municipal governing bodies individually or jointly to levy additional court costs and fees in municipal cases and providing for the distribution of the funds for jail purposes and other related purposes, to specify that the court costs and fees would be based on the court costs and fees in the district court of the county; and to provide retroactive effect.

McDOWELL LEE
Secretary

RECESS

On motion of Representative Hammett, the House recessed to the call of the Chair.

HOUSE RECONVENED

The House reconvened. The Speaker called the House to order.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 950. Relating to Cullman County; to further provide for the sheriff's compensation.

TOMMY CARTER
Chairman

And the bill, H. 950, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 957. Relating to Sumter County; to amend Section 4 of Act No. 83-480, H. 669, 1983 Regular Session Acts 1983, p. 672), levying a fee on all hazardous and nonhazardous waste stored, deposited, or dumped at a site presently known as Chemical Waste Management, Inc., near Emelle; to further provide for the distribution of the fees.

TOMMY CARTER
Chairman

And the bill, H. 957, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 977. Relating to Baldwin County, authorizing the county commission to regulate the placement of signs and billboards on county highways.

TOMMY CARTER
Chairman

And the bill, H. 977, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 978. Relating to Baldwin County; authorizing the county commission to impose a fee on the rental of video cassettes; to provide for the method of reporting and paying the fee; to provide for penalties for failure to pay the fee; and to provide for disposition of the proceeds from the fee.

TOMMY CARTER
Chairman

And the bill, H. 978, as engrossed, was ordered sent to the Senate.

PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative Hilliard inadvertently voted "Nay" and intended to vote "Yea" on passage of the bill, H. 941.

H. 290 REREFERRED

No objection being offered, the Speaker rereferred the bill, H. 290, from the Standing Committee on Judiciary to the Standing Committee on State Administration.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 627. Providing for distinctive motor vehicle license tags or plates for persons employed or retired as United States postal carriers; prescribing the fees for the tags or plates; providing for disposition of the net proceeds from the fees; and providing for a delayed effective date.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Report of the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the Executive amendment to the Bill:

H. 693. To amend Section 41-4-60, Code of Alabama 1975, relating to state warrants; to reduce the period of time to one year for which a state warrant may be presented for payment, or for which a claim on a warrant may be made.

by a majority of the whole number elected to the Senate, said vote being: Yeas 26, Nays 0.

And said Bill, HB 693, together with the Executive amendment, is herewith returned to the House.

McDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the Executive amendment to the Bill:

H. 94. To amend Section 17-1-7, Code of Alabama 1975, to provide that public employees, including law enforcement officers, firefighters, and peace officers, may engage in or refrain from participating in political activity.

by a majority of the whole number elected to the Senate, said vote being: Yeas 26, Nays 0.

And said Bill, HB 94, together with the Executive amendment, is herewith returned to the House.

McDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 767. Relating to Mobile County; to amend Act No. 86-545, S. 655, 1986 Regular Session, as amended, which creates a county racing commission; to provide further for wagering on broadcasts.

Also:

H. 484. Relating to the status of mayor in a Class 8 municipality with a mayor-council form of government; to provide that a Class 8 municipality may provide for a referendum at which the registered voters of the city (town) may vote on the issue of whether, after the 1996 municipal election, the office of mayor will be a full-time position; to establish the appropriate procedures for the referendum; to further provide for a subsequent referendum concerning the duties of a mayor in such Class 8 municipality in the event that the governing body subsequently determines that the status of mayor need not be full-time.

McDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Presiding Officer of the Senate having signed the following Senate Joint Resolutions, your signature thereto is requested:

S.J.R. 7. COMMENDING THE LIBERTY MIDDLE SCHOOL LIONETTES DANCE TEAM, MADISON, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

Also:

S.J.R. 47. DESIGNATING THE WEEK OF MAY 14-20, 1995, AS "EMERGENCY MEDICAL SERVICES WEEK" IN ALABAMA.

Also:

S.J.R. 51. COMMENDING MRS. EVA THOMPSON OF MADISON COUNTY AS ALABAMA TEACHER OF THE YEAR.

Also:

S.J.R. 102. OPPOSING PATIENT SERVICE STANDARDS FOR THE REGULATION OF PHARMACY BY ANY ORGANIZATION OR AGENCY OTHER THAN THE ALABAMA STATE BOARD OF PHARMACY.

Also:

S.J.R. 137. HONORING MAJOR GENERAL JAMES E. MOORE ON THE OCCASION OF HIS RETIREMENT, JULY 7, 1995.

McDOWELL LEE
Secretary

SIGNING OF SENATE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolutions, the titles of which are set out in the foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Presiding Officer of the Senate having signed the following Senate Bills, your signature thereto is requested:

S. 404. Relating to Bibb County; repealing Act No. 84-453, S. 601, 1984 Regular Session (Acts 1984, p. 1061) entitled "An Act, Relating to Bibb County; to amend Act No. 780, H. 1706, 1973 Regular Session (Acts 1973, p. 1195), which act provides for compensation of the sheriff, the appointment of deputies, secretaries and jailors, so as to further provide for the salaries of certain members of the sheriff's staff," and to make this act retroactive to September 30, 1992.

Also:

S. 480. Relating to Shelby County; to transfer the license-issuing division within the Office of the Judge of Probate to the county commission for issuance of certain licenses; to provide for the selection and development of classified service

personnel for the license-issuing division; to provide certain duties for the division; to provide for an optional procedure for the renewal of motor vehicle licenses in the county by mail; to authorize certain additional fees and costs pursuant to the system of renewal of motor vehicle licenses by mail; to provide that the fees would be set by the county commission from time to time to pay the cost of mailing tags or decals; to prescribe procedures for the assessing and collecting of certain taxes; and to provide that the issuance of marriage licenses would remain the responsibility of the Office of the Judge of Probate.

Also:

S. 518. To authorize the governing body of the City of Auburn, Alabama, pursuant to Amendment No. 373 to the Constitution of Alabama of 1901, to increase the rate at which there is levied and collected by the said city, on all taxable property situated within the said city, the special ad valorem tax for the support and furtherance of education which is authorized in Amendment No. 8 to the Constitution, to a maximum rate, for any tax year of the said city, which is equal to \$1.10 on each one hundred dollars (11 mills on each dollar) of assessed value.

Also:

S. 520. Relating to Houston County; amending Act No. 89-480 of the 1989 Regular Session, which levies a special county privilege and license tax; to redefine certain terms; to provide further for the collection of the tax; to authorize and provide for the collection of certain municipal privilege and license taxes by the Houston County Commission instead of the State Department of Revenue; to provide certain prerequisites for the collection of the tax and the time and manner of collection of the tax; to provide for a charge by the Houston County Commission for the collection of the tax; and to provide for when an amendment of a municipal ordinance levying the tax is effective and when the Houston County Commission is to perform its duties under this act.

Also:

S. 539. Relating to Morgan County; providing for an additional service fee to be charged and collected with respect to the issuance and service of all legal process issued in the district and circuit courts of Morgan County which is required or requested to be served personally by the Sheriff of Morgan County; and providing for the payment of the fees collected to the county commission for credit to the general fund of the county.

Also:

S. 540. Relating to Morgan County; providing for costs and charges in the circuit and district courts in the county in all civil and criminal cases; and providing for distribution of the revenues to be derived from the additional court costs.

Also:

S. 541. Relating to Morgan County; providing for an additional filing fee to be charged and collected on all instruments filed for record in the office of the judge of probate for the purpose of establishing and operating a county archives and the development and implementation of an improved indexing and records management system in the office of the judge of probate; and providing for the use of other county funds for the same purposes.

Also:

S. 608. Relating to Pike County, providing that the judge of probate shall not receive compensation for publishing a list of qualified electors.

Also:

S. 609. Relating to Pike County; to increase the recording fees charged by the judge of probate.

Also:

S. 610. Relating to Pike County; to assess an additional fee on civil and criminal cases in the county.

McDOWELL LEE
Secretary

SIGNING OF SENATE BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the foregoing Message from the Senate.

SPECIAL ORDER CALENDAR RESUMED

BUDGET ISOLATION RESOLUTION ADOPTED

The question was then on the motion previously offered by Representative Venable to adopt the Budget Isolation Resolution relating to the bill, S. 265, and the Budget Isolation Resolution was adopted.

Yeas 91; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Box, Boyd, Burke, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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And the bill:

S. 265. (With Substitute): Relating to the Fair Campaign Practices Act; amending Sections 17-22A-2 to 17-22A-5, inclusive, 17-22A-7 to 17-22A-9, inclusive, 17-22A-11, 17-22A-12, 17-22A-18, and 17-22A-21, Code of Alabama 1975, to provide further for the solicitation, acceptance, and reporting of campaign contributions and expenditures by candidates, principal campaign committees, and political committees; to limit campaign contributions; to prescribe penalties for violations of this act; and to make an appropriation.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Constitution and Elections, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

Relating to the Fair Campaign Practices Act; amending Sections 17-22A-2 to 17-22A-5, inclusive, 17-22A-7, 17-22A-9, inclusive, 17-22A-11, and 17-22A-12, 17-22A-14, 17-22A-18, and 17-22A-21, Code of Alabama 1975, and to repeal §§ 10-1-2, 10-2A-70, 10-2A-70.1 and 10-2A-70.2, to provide further for the solicitation, acceptance and reporting of campaign contributions and expenditures by candidates, principal campaign committees, and political committees; to limit campaign contributions; to provide for the establishment and operation of separate, segregated political funds, to prescribe penalties for violations of this act; and to make an appropriation.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 17-22A-2 to 17-22A-5, inclusive, 17-22A-7 to 17-22A-9, inclusive, 17-22A-11, 17-22A-12, 17-22A-14, 17-22A-18, and 17-22A-21, Code of Alabama 1975, are amended to read as follows:

"§17-22A-2.

"For purposes of this chapter, ~~unless a different meaning clearly appears in the context,~~ the following terms shall have the following meanings ~~ascribed in this section:~~

"(1) CANDIDATE. An individual who has done any of the following:

"a. Taken the action necessary under the laws of the state to qualify himself or herself for nomination or for election to any state office or local office or in the case of an independent seeking ballot access, on the date when he or she files a petition with the ~~probate judge of probate~~ in the case of county offices, with the appropriate qualifying municipal offices in the case of municipal offices, or the secretary of state in all other cases; ~~or.~~

"b. Received contributions or made expenditures, or given his or her consent for any other person or persons to receive contributions or make expenditures, with a view to bringing about his or her nomination or election to any state office or local office. ~~Provided, however, that~~ Notwithstanding the foregoing, no person shall be considered a candidate within the meaning of this subdivision until ~~such the~~ time as he or she has either received contributions or expenditures as provided herein in the following amounts:

"1. ~~Ten~~ Twenty-five thousand dollars (\$25,000) or more, with a view toward bringing about nomination or election to any state office other than one filled by election of the registered voters of any circuit or district within the state; ~~and.~~

"2. ~~Three~~ Five thousand dollars (\$5,000) or more, with a view toward bringing about nomination or election to any state office, excluding legislative office, filled by election of the registered voters of any circuit or district; ~~and.~~

"3. Ten thousand dollars (\$10,000) or more, with a view toward bringing about nomination or election to the Alabama Senate and five thousand dollars (\$5,000) or more, with a view toward bringing about nomination or election to the Alabama House of Representatives.

~~"3-~~ 4. One thousand dollars (\$1,000) or more, with a view toward bringing about nomination or election to any local office.

"(2) CONTRIBUTION.

"a. The following shall be considered ~~contributions~~ a contribution:

"1. A gift, subscription, loan, advance, deposit of money, ~~a thing or anything~~ of value, a promise of a contribution, loan or other thing of value, a payment, a forgiveness of a loan, or payment of a third party, made for the purpose of influencing the result of an election;_

"2. A contract, ~~or agreement or promise~~ to make a gift, subscription, loan, advance, ~~or deposit of money,~~ or thing anything of value for the purpose of influencing the result of an election;_

"3. Any transfer of a thing anything of value received by a political committee from another political committee, political party, or other source; ~~or.~~_

"4. The payment of compensation by any person for the personal services or expenses of any other person if ~~such those~~ services are rendered or expenses incurred on behalf of a candidate, political committee, or political party without payment of full and adequate compensation by ~~such the~~ candidate, political committee, or political party. Provided, however, that Notwithstanding the foregoing, the payment of compensation by a corporation for the purpose of establishing, administering, or soliciting voluntary contributions to ~~a separate, segregated fund~~ political committees as permitted by section ~~10-1-217-22A-14,~~ shall not constitute a contribution.

"b. ~~The term "contribution" does not include:~~ The following shall not be considered a contribution:

"1. The value of services provided without compensation by individuals who volunteer a portion or all of their time on behalf of a candidate or political committee;_

"2. The use of real or personal property and the cost of invitations, food, or beverages, voluntarily provided by an individual to a candidate or political committee in rendering voluntary personal services on the individual's residential or business premises for election-related activities;_

"3. The sale of any food or beverage by a vendor for use in ~~an election~~ a campaign at a charge to a candidate or political committee less than the normal comparable charge, if ~~such that~~ charge to the political committee for use in ~~an election~~ the campaign is at least equal to the cost of ~~such the~~ food or beverage to the vendor;_

"4. Any unreimbursed payment for travel expenses made by an individual who on his or her own behalf volunteers personal services to a candidate or political committee; ~~or.~~_

~~"5. The payment by a state or local committee of a political party of the cost of preparation, display, or mailing or other distribution incurred by such committee with respect to a printed slate card or sample ballot, or other printed listing of two or more candidates for any public office for which an election is held in the state,~~

~~except that this subparagraph shall not apply in the case of costs incurred by such committee with respect to a display of any such listing made on broadcasting stations, or in newspapers, magazines, or other similar types of general public political advertising.~~

"6- 5. The value or cost of polling data and voter preference data and information if provided to a candidate or political committee, unless ~~such~~ the information was compiled with the advance knowledge of and approval of the candidate or the political committee.

6. Loans made in the ordinary course of business.

"(3) ELECTION. Unless otherwise specified, any general, special, primary, or runoff election, or any convention or caucus of a political party held to nominate a candidate, or any election at which a constitutional amendment or other proposition is submitted to the popular vote.

"(4) EXPENDITURE.

"a. The following shall be considered ~~expenditures~~ an expenditure:

"1. A purchase, payment, distribution, loan, advance, deposit, or gift of money, thing anything of value, or promise of a thing of value made for the purpose of influencing the result of an election;_

"2. A contract or agreement to make any purchase, payment, distribution, loan, advance, deposit, or gift of money, or thing anything of value, for the purpose of influencing the result of an election; ~~or.~~

"3. The transfer, gift, or contribution of funds of a political committee to another political committee.

"b. ~~The term "expenditure" does not include~~ following shall not be considered an expenditure:

"1. Any news story, commentary, or editorial prepared by and distributed through the facilities of any broadcasting station, newspaper, magazine, or other periodical publication, unless ~~such~~ those facilities are owned or controlled by any political party or political committee;_

"2. Nonpartisan activity designed to encourage individuals to register to vote, or to vote;_

"3. Any communication by any membership organization to its members or by a corporation to its stockholders and employees if ~~such~~ the membership organization or corporation is not organized primarily for the purpose of influencing the result of an election;_

"4. The use of real or personal property and the cost of invitations, food, or beverages, voluntarily provided by an individual in rendering voluntary personal services on the individual's residential or business premises for election-related activities;

"5. Any unreimbursed payment for travel expenses made by an individual who, on his or her own behalf, volunteers personal services to a candidate or political committee;

"6. Any communication by any a person which is not made for the purposes of influencing the result of an election; ~~or.~~

~~"7. The payment by a state or local committee of a political party of the cost of preparation, display, or mailing or other distribution incurred by such committee with respect to a printed slate card or sample ballot, or other printed listing of two or more candidates for any public office for which an election is held in the state, except that this subparagraph shall not apply in the case of costs incurred by such committee with respect to a display of any such listing made on broadcasting stations, or in newspapers, magazines, or other similar types of general public political advertising.~~

"7. Promotional items generally distributed to the general public or to public officers and food and beverages.

"(5) IDENTIFICATION. The full name and complete address. For purposes of the broadcast media, identification shall only be the full name.

"(6) LOAN. A transfer of money, property, or thing ~~anything~~ of value in consideration of a promise or obligation, conditional or not, to repay in whole or part.

"(7). LOAN MADE IN THE ORDINARY COURSE OF BUSINESS. A loan made by a bank, insurance company or other lending institution that makes loans in the ordinary course of its business which is evidenced by a written instrument, is subject to a due date or amortization schedule and which is on terms consistent with the usual and customary practice and policy of the lending institution.

~~"(7)~~ (8) LOCAL OFFICE. Any office under the constitution and laws of the state, except circuit, district, or legislative offices, filled ~~by~~ at an election ~~of~~ by the registered voters of a single county or municipality, or by the voters of a division contained within a county or municipality.

~~"(8)~~ (9) PERSON. An individual, partnership, committee, association, corporation, labor organization, or any other entity organization or group of persons.

~~"(9)~~ (10) POLITICAL COMMITTEE. Any political committee, club, association, principal campaign committee, political party, or other group of one or

more persons which receives or anticipates receiving contributions or makes or anticipates making expenditures to or on behalf of any elected official, proposition, candidate, principal campaign committee or other political committee for the purpose of influencing the result of an election. A political committee may be established and administered by any business corporation, non-profit corporation, unincorporated association or other group of one or more persons. For the purposes of this chapter an individual who makes a personal political contribution (other than a candidate who makes a contribution to himself or herself), shall not be considered a political committee.

"(11) MULTICANDIDATE POLITICAL COMMITTEE. Any political committee other than a principal campaign committee which has been in existence for one year or longer; contributed to fifty or more candidates, in the aggregate, during the previous four years and which received contributions from three hundred or more persons or entities during the previous calendar year.

(12) POLITICAL PARTY. Any political party or on-going membership organization whose stated purpose, in whole or in part, is to carry out the goals, functions, and objectives of a political party, including, but not limited to, supporting any or all candidates of a political party, and encouraging voter registration, participation, and education.

~~"(40)~~ (13) PRINCIPAL CAMPAIGN COMMITTEE. The principal campaign committee designated by a candidate under section 17-22A-4. A political committee established primarily to benefit an individual candidate or an ~~individual~~ elected official shall be considered a principal campaign committee for purposes of this chapter.

"(14) PROHIBITED PERIOD. Notwithstanding any other provision of law, including but not limited to Sections 17-22A-1 to 17-22A-23, inclusive, and 13A-10-61, a candidate, public official, or principal campaign committee, as defined in Section 17-22A-2, may only accept, solicit, or receive contributions, as defined in Section 17-22A-2, to influence the outcome of an election; in addition, a candidate, public official, or principal campaign committee may not accept, solicit, or receive contributions more than 12 months before an election in which the person intends to be a candidate. The candidate may also solicit contributions for a period of 120 days after the election in which the person was a candidate, but only to the extent of any campaign debt of the candidate or the principal campaign committee of the candidate as indicated on campaign financial disclosure form or to the extent of reaching the threshold that is required for qualification as a candidate for the office which he or she currently holds. The provision of this section dealing with the campaign debt of the candidates or the principal campaign committee of the candidate shall not apply to any prior candidate or current elected official who files a verified statement of such debt with the Secretary of State on or before the effective date of this act. Said debt must have been created on or before January 1, 1995 and shall be directly related to lawful campaign expenditures. Provided, however, any candidate or elected official whose election is challenged including quo warranto challenges may then accept,

solicit and receive campaign contributions for the purpose of paying all expenses associated with the election challenge.

"~~(14)~~ (15) PROPOSITION. Any proposal for submission to the general public for its approval or rejection, including proposed as well as qualified ballot questions.

"~~(12)~~ (16) STATE. The state of Alabama.

"~~(13)~~ (17) STATE OFFICE. All offices under the constitution and laws of the state filled by election of the registered voters of the state, or of any circuit or district and shall include legislative offices.

"(18) THING OF VALUE. Any gift, benefit, favor, service, gratuity, special discount, unsecured loan, secured loan other than those secured and unsecured loans made in the ordinary course of business, reward, promise of future employment, or honoraria.

"§17-22A-3.

"(a) Every political committee shall have a ~~chairman~~ chair and a treasurer. Where required, the treasurer shall register the political committee with the Secretary of State.

"(b) All funds of a political committee shall be segregated from, and shall not be commingled with, any personal funds of officers, members, or associates of ~~such~~ the political committee.

"(c) ~~It shall be the duty of the~~ The treasurer of a political committee ~~to shall~~ keep a detailed, exact account of the following:

"(1) All contributions made to or for ~~such~~ the political committee;

"(2) All expenditures made by or on behalf of ~~such~~ the political committee;
and.

"(3) The identification of every person to whom an expenditure is made, the date and amount thereof, and the name of each candidate on whose behalf ~~such~~ the expenditure was made or a designation of the election proposition the result of which the political committee will attempt to influence by making expenditures or receiving contributions.

"(d) ~~It shall be the duty of the~~ The treasurer ~~to shall~~ obtain and keep a receipted bill or cancelled check, stating the particulars for every expenditure made by or on behalf of a political committee greater than ~~\$100.00~~ one hundred dollars (\$100), and for any such expenditure in a lesser amount, if the aggregate amount of such the expenditures to the same person during a calendar year is greater than \$100.00 one hundred dollars (\$100). Provided, however, the The

treasurer of a political committee other than a principal campaign committee shall not be required under this chapter to report any expenditure not related to political contributions or expenditures or made as an administrative expense. The treasurer shall preserve all receipted bills and accounts required to be kept by this section for a period of two years from the date of ~~any such~~ the expenditure."

"§17-22A-4.

"Within ~~five~~ 10 days after any person becomes a candidate for office, ~~such~~ the person shall file with the secretary of state or judge of probate, as provided in section 17-22A-9, a statement showing the name of not less than two nor more than five persons elected to serve as the principal campaign committee for ~~such~~ the candidate, together with a written acceptance or consent by ~~such~~ the committee, ~~but Notwithstanding the foregoing,~~ any candidate may declare himself or herself as the person chosen to serve as the principal campaign committee, ~~in which and in that case such the candidate shall perform the duties of chairman chair and treasurer of such the principal campaign committee prescribed by this chapter. If any vacancies be vacancy is created by death or resignation or any other cause, such the candidate may fill such the vacancy, or the remaining members shall discharge and complete the duties required of such the committee as if such the vacancy had not been created. The principal campaign committee, or its treasurer, shall have exclusive custody of all moneys contributed, donated, subscribed, or in any manner furnished to or for the candidate represented by such the committee, and shall account for and disburse the same moneys. No candidate shall expend any money in aid of his or her nomination or election except by contributing to the principal campaign committee designated by the candidate as aforesaid.~~

"§17-22A-5.

"(a) Each political committee, other than a principal campaign committee, which anticipates either receiving contributions or making expenditures during the calendar year in an aggregate amount exceeding ~~\$1,000.00~~ one thousand dollars (\$1,000) shall file with the secretary of state ~~or the judge of probate as herein provided in section 17-22A-9, a statement of organization, within 10 days after its organization or, if later within 10 days after the date on which it has information which causes the political committee to anticipate it will receive contributions or make expenditures in an aggregate amount in excess of \$1,000.00 one thousand dollars (\$1,000). Each such committee in existence at the date of enactment of this chapter shall file a statement of organization within 60 days after the effective date of this chapter.~~

"(b) The statement of organization shall include all of the following:

"(1) The name and complete address of the political committee;

"(2) The identification of any affiliated or connected organizations, ~~if any;~~

"(3) The purposes of the political committee;

"(4) The identification of the ~~chairman~~ chair and treasurer;

"(5) The identification of principal officers, including members of any finance committee;

"(6) A description of the constitutional amendments or other propositions, if any, that the political committee is supporting or opposing, and the identity, if known, of any candidate or elected official that the political committee is supporting or opposing;

"(7) A statement whether the political committee is a continuing one, and if not, the expected termination or dissolution date; ~~and~~.

"(8) The disposition of residual funds which will be made in the event of dissolution.

"(c) Any material change in information previously submitted in a statement of organization, except for the information described in subdivision (6) above, shall be reported to the secretary of state or judge of probate as provided in section 17-22A-9, within 10 days following the change.

"(d) A political committee, including a principal campaign committee, after having filed its initial statement of organization, shall continue in existence until terminated or dissolved as provided herein. When any political committee, other than a principal campaign committee, determines it will no longer receive contributions or make expenditures during any calendar year in an aggregate amount exceeding ~~\$1,000.00~~ one thousand dollars (\$1,000), or when any candidate through his or her principal campaign committee determines that he or she will not receive contributions or make expenditures in the amounts specified in section 17-22A-2(1)b, the ~~chairman~~ chair or treasurer of ~~such~~ the political committee ~~may so~~ shall notify the secretary of state or judge of probate, as designated in section 17-22A-9, of the termination or dissolution of ~~such~~ the political committee. ~~Such~~ The notice shall contain a statement by the treasurer of ~~such~~ the political committee of the intended disposition of any residual funds then held by the political committee on behalf of a candidate.

"(e) (1) Political committees, except principal campaign committees and state and county political party executive committees, but including national political committees which contribute to candidates for state and local office in this state or to causes in this state formed and registered after the effective date of the act adding this subsection and any organization formed and registered to receive contributions or make expenditures to or on behalf of any elected official, proposition, candidate, principal campaign committee, or other political committee shall file an initial one hundred dollar (\$100) registration fee with the Office of the Secretary of State. In addition, all new and existing political committees, except principal campaign committees and state and county political party executive committees, shall annually pay a one hundred dollar (\$100) registration fee by

January 31 of each year with the Office of the Secretary of State. Upon payment of the initial annual registration fee, the Office of the Secretary of State shall issue a certification number and a certificate of operation to each political committee to authorize the political committee to participate in elections for the designated year. The certificate of operation shall be renewed by the Office of the Secretary of State by January 31 of each year.

"(2) In the event the annual fee is not paid on or prior to January 31 of each year, the Secretary of State shall give a written notice of delinquency to the last known address of the political committee or its chair and treasurer. The failure of the political committee to pay the initial or annual fee within 25 days after the date the notice of delinquency is mailed shall result in the automatic suspension of the certificate of operation of the political committee and the political committee shall not accept contributions or make expenditures until the certificate of operation is reinstated.

"(3) Ninety percent of the fees collected by the Secretary of State shall be deposited into the State General Fund.

"(4) There is created in the State Treasury a special fund known and designated as the Political Committee Filing Fee Fund. The remaining 10 percent of the fees collected by the Secretary of State shall be deposited into the Political Committee Filing Fee Fund, to be used by the Secretary of State to offset the costs associated with the performance of the duties required under this section. Money deposited into this fund shall not revert to the State General Fund at the end of the fiscal year, but shall remain available for expenditure for the purposes provided herein subject to approval by the Legislature. The expenditure of these funds shall be in accordance with Sections 41-4-8 to 41-4-96, inclusive, and 41-19-1 to 41-19-12, inclusive."

"§17-22A-7.

"(a) Amounts received by a principal campaign committee as contributions and any proceeds from investing ~~such~~ those contributions that are in excess of any amount necessary to defray expenditures of the candidate represented by ~~such~~ the principal campaign committee, may be used by the candidate to defray any ordinary and necessary expenses, as defined in subsections (a), (b), and (e)(1) of Section 162 of Title 26 of U. S. Code, as it existed on May 5, 1993, incurred by him or her in connection with his or her duties as a holder of office, may be contributed by him or her to any organization described in section 170(c), section 501(c), or any other charitable, educational, or eleemosynary cause of Title 26 of U.S. Code, ~~may be transferred to another political committee,~~ may be transferred to the principal campaign committee of another candidate or elected official subject to the limits specified in Section 17-22A-8(e) or may be deposited into the State General Fund or the Alabama Special Education Trust Fund or any department or agency therein funded. Contributions to an office holder shall not be converted to personal use. For purposes of this ~~aet~~ section, personal use shall not include room, telephones, office expenses and equipment, housing rental,

meals, and travel expenses incurred in connection with the duties as a holder of office.

"(b) Candidates for state offices and their principal campaign committees designated in the statement filed with the Secretary of State pursuant to Section 17-22A-4, Code of Alabama 1975, on behalf of persons seeking or holding those offices, may shall not solicit or accept, or both, contributions during a prohibited period the period when the Legislature is convened in session. For the purposes of this section, the Legislature is considered convened in session at any time from the opening day of the special or regular session and continuing through the day of adjournment sine die for that session. This subsection (b) shall not apply within 120 days of any primary, run-off, or general election and shall not apply to the candidates or principal campaign committees participating in any special election called by the Governor.

"(c) No lobbyist registered pursuant to Section 36-25-18 shall serve as a campaign chair or treasurer for a candidate for a state or local office.

"(d) When a candidate, or the candidate's principal campaign committee, solicits and accepts campaign contributions in expectation of seeking a state or local office, and the candidate subsequently does not qualify for the next election for that particular office, then the candidate and the principal campaign committee of the candidate must refund all such contributions on a prorata basis to the contributors after payment of all reasonable debts incurred by the candidate or principal campaign committee."

"§17-22A-8.

"(a) The treasurer of each principal campaign committee or other political committee shall file with the secretary of state or judge of probate, and the treasurer of other political committees shall file with the Secretary of State, as designated in section 17-22A-9, reports of contributions and expenditures at the following times in any year in which an election is held:

"(1) Forty-five Between 50 and 45 days before and between 10 and five days before the date of any election for which a political committee receives contributions or makes expenditures with a view toward influencing such the election's result;

"(2) Provided, however, that Notwithstanding subdivision (1), a report shall not be required except between five and 10 days before a run-off election.

"(3) Any contribution of one thousand dollars (\$1,000) or more received by a principal campaign committee within 10 days of an election must be reported by facsimile or other means by the treasurer of each principal campaign committee within 24 hours after receipt of the contribution to the Secretary of State or the judge of probate, as designated in section 17-22A-9.

(4) Twenty days after a runoff election and twenty days after a primary election.

"(b) All candidates, political committees, and elected state and local officials covered under ~~the provisions of this chapter~~, shall annually file with the secretary of state or judge of probate, as designated in section 17-22A-9, reports of contributions and expenditures made during that year. The annual reports required under this subsection shall be made on or before January 31 of the succeeding year. A person who fails to fulfill any disclosure requirements of this subsection or any other disclosure as required by law, rule, or regulation shall not be eligible to qualify for any state or local office until these disclosure requirements are satisfied.

"(c) Each report under this section shall disclose all of the following:

"(1) the amount of cash or other assets on hand at the beginning of the reporting period; ~~provided, however, that the initial report required by this chapter shall include cash and assets acquired from the date of July 1, 1988, and forward until the end of that reporting period and disbursements made from same;~~

"(2) The identification of each person who has made contributions to ~~such the political~~ committee or candidate within the calendar year in an aggregate amount greater than ~~\$100.00~~ two hundred dollars (\$200), together with the amount and date of all ~~such~~ contributions; ~~provided, however, in~~. Identification shall mean the name, ~~and city of residence~~ address, including zip code, of each ~~person~~ contributor and the occupation or type of business of the contributor and with respect to a political committee the purpose of the political committee who has made contributions within the calendar year in an aggregate amount greater than ~~\$100.00;~~ two hundred dollars (\$200).

"(3) The total amount of other contributions received during the calendar year but not reported under subdivision (c)(2) ~~of this section;~~

"(4) Each loan to or from any person within the calendar year in an aggregate amount greater than ~~\$100.00~~ one hundred dollars (\$100), together with the identification of the lender, the identification of the any endorsers, ~~or~~ guarantors, if any, and the date and amount of ~~such the~~ loans;

"(5) The total amount of receipts from any other source during ~~such the~~ calendar year including, without limitation, interest on campaign accounts;

"(6) The grand total of all receipts by or for ~~such the~~ committee during the calendar year;

"(7) The identification of each person to whom expenditures have been made by or on behalf of ~~such the political~~ committee or elected official within the calendar year in an aggregate amount greater than ~~\$100.00~~ two hundred dollars (\$200), the amount, date, and purpose of each ~~such~~ expenditure, and, if

applicable, the designation of each constitutional amendment or other proposition with respect to which an expenditure was made;

"(8) The identification of each person to whom an expenditure for personal services, salaries, and reimbursed expenses greater than ~~\$100.00~~ two hundred dollars (\$200) has been made, and which is not otherwise reported or exempted ~~from the provisions of this chapter, including the amount, date, and purpose of such the expenditure;~~

"(9) The ~~grand~~ total of all expenditures made by ~~such the political~~ committee or elected official during the calendar year; ~~and.~~

"(10) The amount and nature of debts and obligations owed by or to the political committee or elected official, together with a statement as to the circumstances and conditions under which any ~~such~~ debt or obligation was extinguished and the consideration therefor.

"(11) The expenditures required to be reported as enumerated above shall be itemized separately and individually showing the amount, date and purpose of each expenditure.

"(d) Political committees that file reports under federal election statutes may file a copy of the federal report in lieu of the report required by this section.

"(e) Contributions to any candidate, elected official, or principal campaign committee of a candidate shall be limited to the following:

"(1) Multicandidate Political Committee: fifty thousand dollars (\$50,000) per candidate, per election with respect to candidates for any state office other than offices filled by election of the registered voters of any circuit or district, thirty thousand dollars (\$30,000) per candidate per election with respect to candidates for the office of state senator, fifteen thousand dollars (\$15,000), per candidate, per election with respect to candidates for the office of house of representatives, ten thousand dollars (\$10,000) per candidate, per election with respect to candidates for any other state office filled by election of the registered voters of any circuit or district; and five thousand dollars (\$5,000) per candidate, per election with respect to candidates for any other office.

(2) Political Committee other than Multicandidate Political Committee: twenty five thousand dollars (\$25,000) per candidate, per election with respect to candidates for any state office other than offices filled by election of the registered voters of any circuit or district, fifteen thousand dollars (\$15,000) per candidate per election with respect to candidates for the office of state senator, ten thousand dollars (\$10,000), per candidate, per election with respect to candidates for the office of house of representatives, five thousand dollars (\$5,000) per candidate, per election with respect to candidates for any other state office filled by election of the registered voters of any circuit or district; and five thousand dollars (\$5,000) per candidate, per election with respect to candidates for any other office.

"(3) Individuals, corporations, limited liability companies and unincorporated trade associations: five thousand dollars (\$5,000) per candidate, per election with respect to candidates for any state office other than offices filled by election of the registered voters of any circuit or district, three thousand dollars (\$3,000) per candidate, per election with respect to candidates for the office of state senator, two thousand dollars (\$2,000), per candidate, per election with respect to candidates for the office of house of representatives, two thousand dollars (\$2,000) per candidate, per election with respect to candidates for any other state office filled by election of the registered voters of any circuit or district; and two thousand dollars (\$2,000) per candidate, per election with respect to candidates for any other office.

"(4) Partnerships and unincorporated associations other than unincorporated trade associations, in addition to (3) above: one thousand dollars (\$1,000) per candidate, per election.

"(5) Candidate to another candidate: two thousand dollars (\$2,000) per candidate, per election.

"(6) Elected official to another elected official: two thousand dollars (\$2,000) per elected official, per election.

"(7) Principal campaign committee to another principal campaign committee: two thousand dollars (\$2,000) per principal campaign committee, per election.

"(8) Lobbyists: five hundred dollars (\$500) per candidate, per election.

"(f) Contributions by corporations, unincorporated association, limited liability companies, partnerships, candidates and candidates principal campaign committee shall be limited to five thousand dollars (\$5,000) per multicandidate political committee, per calendar year and two thousand dollars (\$2,000) per political committee, per calendar year.

(g) No individual, corporation, unincorporated association, limited liability company, partnership or firm shall make contributions aggregating more than fifty thousand dollars (\$50,000) in any calendar year.

"(h) It shall be unlawful for an incumbent judge to solicit or accept campaign contributions from a licensed attorney, or member or employee of the law firm of the attorney, or party plaintiff or party defendant who has a case of any type pending in said judge's court.

"(i) Notwithstanding any provision of this act or any other law to the contrary, any attorney, or any member or employee of the law firm of the attorney, which, has a case pending before a judge of any appellate, circuit, or district court shall not offer to make a contribution or make a contribution to the campaign of that judge.

~~"(d) (i)~~ Each report ~~required by this section~~ shall be signed and filed by the elected official or on behalf of the political committee by its ~~chairman~~ chair or treasurer and, if filed on behalf of a principal campaign committee, by the candidate represented by ~~such the~~ committee. There shall be attached to each ~~such~~ report an affidavit subscribed and sworn to by the ~~elected official, or chairman~~ chair, or treasurer and, if filed by a principal campaign committee, the candidate represented by ~~such the principal campaign~~ committee, setting forth in substance that ~~such the~~ report is the best of his or her knowledge and belief in all respects true and complete, and, if made by a candidate, that he or she has not received any contributions or made any expenditures which are not set forth and covered by ~~such the~~ report."

"§17-22A-9.

"(a) All statements and reports required of principal campaign committees under ~~the provisions of~~ this chapter shall be filed with the secretary of state in the case of candidates for state office or state elected officials, and in the case of candidates for local office or local elected officials, with the judge of probate of the county in which the office is sought.

"(b) Political committees, except principal campaign committees, which seek to influence an election for state or local office or to influence a proposition, ~~regarding a single county, shall file all reports and statements with the judge of probate of the county affected. All other political committees, except as provided in subsection (a) above, shall file reports and statements with the secretary of state.~~

"§17-22A-11.

"(a) All political committees, except principal campaign committees, shall file their statement of organization forms and subsequent financial disclosure reports with the Office of the Secretary of State. The Office of the Secretary of State shall within two working days after receipt of those reports provide copies of the statements filed by political committees to the judge of probate in the county in which the political committee was organized.

"(b) The secretary of state and the judge of probate shall have the following duties:

"(1) ~~To accept~~ Accept and file all reports and statements from principal campaign committees required by the provisions of this chapter to be filed with them and to accept any information voluntarily supplied that exceeds the requirements of this chapter;

"(2) ~~To make~~ Make each statement and report filed by a principal campaign committee, or other political committee, or elected official available for public inspection and copying during regular office hours, any such. The cost of copying to shall be at the expense of the person making copies; except that any information copied from such the reports or statements may not be sold or used by any

political party or any political committee for the purpose of soliciting contributions or for commercial purposes, without the express written permission of the candidate or political committee reporting ~~such~~ the information.

"(3) ~~To furnish~~ Furnish any forms ~~to be~~ used in complying with the provisions of this chapter. The expenses incurred by the secretary of state in furnishing forms, accepting statements and reports, filing statements and reports, and making ~~such~~ the statements and reports available to the public shall be paid from moneys designated to the distribution of public documents."

"§17-22A-12.

"Any paid political advertisement appearing in any print media or broadcast on any electronic media shall be clearly identified or marked as a paid advertisement. It shall be unlawful for any person, candidate, principal campaign committee or other political committee to broadcast, publish or circulate any campaign literature or political advertisement, without a notice appearing on the ~~face or front page of any~~ printed matter, or broadcast at the beginning or end of a radio or television spot, stating that the communication was a paid advertisement and giving the identification of the person, principal campaign committee or other political committee that paid for or otherwise authorized such communication."

"§17-22A-14.

~~Notwithstanding any other provisions of this chapter or any other laws or parts of laws, a political committee committees may be established by a corporation.~~

Notwithstanding any other provisions of this chapter or any other laws, or parts of laws, any business or nonprofit corporation, unincorporated association or other group of one or more persons doing business in this state may establish and administer political committees. Any such business or nonprofit corporation, unincorporated association or other group of one or more persons or any officer or agent acting in behalf of any such entity may give, pay, expend or contribute money, or services or anything of value for the purposes of establishing, administering or soliciting voluntary contributions to be utilized for political purposes (i) to aid or promote the nomination or election of any person, including any incumbent political officeholder or any other person who is or becomes a candidate for political office; or (ii) to aid or promote the interest or success, or defeat of any political party or political proposition subject to the following requirements and prohibitions:

(1) Any business or nonprofit corporation incorporated under the laws of or doing business in this state, or any officer or agent acting in behalf of the corporation may solicit voluntary contributions only from the stockholders, employees and retired employees of the corporation or any parent, subsidiary, or affiliated corporation and their families; or in the case of a nonprofit corporation, unincorporated association or other group of one or more persons, its members and their

employees. However, voluntary contributions may be accepted from any individual, corporation, limited liability company, partnership, unincorporated association, or other political committee subject to the limits provided by law.

(b) It shall be unlawful:

(1) For any political committee established pursuant to this section or for any person acting in behalf of any political committee to solicit or secure any money or anything of value by physical force, job discrimination or financial reprisals, or by threats thereof; by dues, fees or other moneys required as a condition of employment; or by moneys obtained in any commercial transaction, provided, however, that for the purposes of this paragraph a loan made in the ordinary course of business shall not constitute a commercial transaction.

(2) For any person soliciting contributions pursuant to this section to fail to inform any person being solicited of the political purposes of the committee at the time of the solicitation.

(3) For any person soliciting for a contribution pursuant to this section to fail to inform the person being solicited, at the time of the solicitation, of his or her right to refuse to contribute without any reprisal.

(4) For any corporation regulated by the public service commission to pass on to its customers any contribution made for the purpose of establishing, administering or soliciting voluntary contributions to be utilized for political purposes.

(c) Amounts expended for the purpose of establishing, administering or soliciting contributions to a political committee shall not apply against the limits contained in Section 17-22A-8.

(d) Section 10-1-2, Code of Alabama, 1975 is hereby repealed.

§17-22A-18.

"(a) It shall be is unlawful for any person to make a contribution in the name of another person, or knowingly permit his or her name to be used to effect such a contribution made by one person in the name of another person, or for any candidate or political committee to knowingly accept a contribution made by one person in the name of another person; provided, however, that nothing in this chapter would prohibit any person from soliciting and receiving contributions from other persons for the purpose of making expenditures delivering those contributions to a candidate, political committee, or elected state or local official required to file reports pursuant to section 17-22A-8.

"(b) Except as provided in this section and Section 17-22A-8 a political committee may not make contributions to any other political committee except a principal campaign committee. Contributions may be made between national, regional, state, and local political committees organized by the same specific class

of persons. Political committees organized by nonprofit business associations, professional associations, commercial associations, industrial associations, or trade associations whether incorporated or unincorporated, doing business in Alabama some of whose member organizations also maintain political committees may receive contributions from the political committees of their member organizations. These contributions shall be subject to the following requirements:

(1) A political committee shall report receiving a contribution from another political committee to the office of the Secretary of State within five working days from the date of receiving such contribution (said notification may be made by facsimile).

(2) No political committee, other than a candidate's principal campaign committee, shall accept any contribution from another political committee within ten days before any primary, run-off, or general election.

(3) A political committee which has received a contribution from another political committee during the calendar year may not make contributions to any other political committee during that calendar year except to a candidate's principal campaign committee.

(4) No political committee may accept earmarked contributions to a specific candidate unless the political committee notifies the candidate, the candidate's principal campaign committee and the office of Secretary of State as to the identity of the contributor.

"§17-22A-21.

~~"A certificate of election or nomination shall not be issued to any person elected or nominated to state or local office who shall fail to file any statement or report required by this chapter. A certificate of election or nomination already issued to any person elected or nominated to state or county office who fails to file any statement or report required by this chapter shall be revoked.~~

"Any person elected or nominated to state or local office who fails to file or fails to file in a timely manner any statement or report required by this chapter shall be required to pay a late fee of one hundred dollars (\$100) or an amount equal to 10 percent of the total annual compensation, including salary, expense allowances, and other emoluments of the office, whichever is greater. This amount shall be deposited into the State General Fund. The Secretary of State, in the case of persons elected or nominated to state office who fail to file or fail to file in a timely manner, shall notify those persons by certified mail of the failure and that the late fee is due. The judge of probate, in the case of persons elected or nominated to local office who fail to file or fail to file in a timely manner, shall notify those persons by certified mail of the failure and that the late fee is due. If the person elected or nominated to state or local office fails to pay the late fee or fails to file the required statement or report and the late fee within 10 days after receipt of the notification, the person elected or nominated to state or local office shall be

assessed a penalty of two hundred dollars (\$200) or an amount equal to 10 percent of the total annual compensation, including salary, expense allowances, and other emoluments of the office, whichever is greater. Thereafter, if the report is not filed or the late fee paid, within 10 days after receipt of the notification that a fine has been assessed, the person shall be guilty of a Class A misdemeanor."

Section 2. A person who fails to fulfill any disclosure requirements of this chapter or any other disclosure as required by law, rule, or regulation shall not be eligible to qualify for any state or local office until these disclosure requirements are satisfied.

Section 3. There is appropriated from the Political Committee Filing Fee Fund in the State Treasury to the Office of the Secretary of State the sum of one thousand dollars (\$1,000) for the fiscal year ending September 30, 1996, for the purpose of carrying out the registration and certification provisions in Section 17-22A-5, Code of Alabama 1975. The appropriation made in this section is in addition to any and all other funds heretofore or hereafter appropriated to the Office of the Secretary of State.

Section 4. The Attorney General may issue and publish advisory opinions on the requirements of this chapter, based on a real or hypothetical set of circumstances. The written advisory opinions of the Attorney General shall protect the person at whose request the opinion was issued and any other person reasonably relying, in good faith, on the advisory opinion in a materially like circumstance from liability to the state, a county, or a municipal subdivision of the state because of any action performed or action refrained from in reliance on the advisory opinion. Nothing in this section shall be deemed to protect any person relying on the advisory opinion if the reliance is not in good faith, is not reasonable, is not in a materially like circumstance.

Section 5. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part that remains.

Section 6. Section 10-2A-70, Section 10-2A-70.1, Section 10-2A-70.2 and all other laws or parts of other laws which conflict with this act are hereby repealed.

Section 7. This act shall become effective immediately after its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 91; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Boyd, Burke, Carns, Carothers, Clouse, Collins, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative Ford intended to vote "Yea" on adoption of the committee substitute to the bill, S. 265.

AMENDMENT OFFERED

Representative Venable offered the following amendment #1 to the bill, S. 265, as amended:

Amend Senate Bill 265 on page 1, line 8 by striking the comma (,) after the word "17-22A-7" and inserting in lieu thereof the word " to".

Further amend the bill on page 17, line 22 by striking the word "41-4-8" and inserting in lieu thereof the word "41-4-80".

Further amend the bill on page 21, line 13 by inserting after the word "in" the following language: ~~"the case of a political committee, other than a principal campaign committee,"~~.

AMENDMENT ADOPTED

And the amendment #1 was adopted.

Yeas 83; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Boyd, Burke, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers,

Ford, Gaines, Gaston, Gipson, Graham, Guin, Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-83

PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative Johnson (E) intended to vote "Yea" on adoption of the amendment #1 offered by Representative Venable to the bill, S. 265, as amended.

AMENDMENT OFFERED

Representative Venable offered the following amendment #2 to the bill, S. 265, as amended:

On page 35, line 17, delete the word "immediately" and insert in lieu thereof: October 1, 1995

AMENDMENT ADOPTED

And the amendment #2 was adopted.

Yeas 82; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Boyd, Burke, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Gaston, Gipson, Graham, Guin, Hamilton, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Lindsey, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Perdue, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-82

AMENDMENT OFFERED

Representative Venable offered the following amendment #3 to the bill, S. 265, as amended:

On page 20, lines 14 and 15, delete the language "(4) Twenty days after a runoff election and twenty days after a primary election." and insert in lieu thereof:

"(4) Between 20 and 25 days after a runoff election and between 20 and 25 days after a general election.

AMENDMENT ADOPTED

And the amendment #3 was adopted.

Yeas 81; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Boyd, Burke, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Gaines, Gaston, Gipson, Graham, Guin, Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Lindsey, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-81

AMENDMENT OFFERED

Representative Box offered the following amendment #1 to the bill, S. 265, as amended:

On page 25, line 23, delete the language "an incumbent" and insert in lieu thereof: a candidate for

On page 26, line 1, delete the language "said judge's court" and insert in lieu thereof: the court for which the individual is a candidate

On page 26, line 7, delete the language "of that judge" and insert in lieu thereof: of a candidate for that judicial position

AMENDMENT ADOPTED

And the amendment #1 was adopted.

Yeas 83; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Boyd, Burke, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McKee, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Petelos, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-83

AMENDMENT OFFERED

Representative Box offered the following amendment #2 to the bill, S. 265, as amended:

On page 10, line 8, delete the language "also solicit" and insert in lieu thereof: accept, solicit, or receive

On page 10, line 24, delete the word "and" and insert in lieu thereof: , or

On page 18, line 24, delete the language "solicit or accept, or both," and insert in lieu thereof: ~~solicit, or accept, or both,~~ accept, solicit, or receive

On page 19, line 12, delete the language "solicits and accepts" and insert in lieu thereof: accepts, solicits, or receives

On page 25, line 24, delete the language "solicit or accept" and insert in lieu thereof: accept, solicit, or receive

AMENDMENT ADOPTED

And the amendment #2 was adopted.

Yeas 88; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Box, Boyd, Burke, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Flowers, Ford, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Lindsey, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-88

AMENDMENT OFFERED

Representative Dolbare offered the following amendment to the bill, S. 265, as amended:

To amend S. 265 as substituted on page 34 line 3 by striking the words "elected or"

Further amend the bill on page 34 line 7 by adding after the period the following: "The person elected to a state or local office who fails to file the required statement or report or fails to pay the late fee shall not receive any salary or expense allowances or other emoluments of the office until these requirements are satisfied."

Further amend the bill on page 34 line 7 by striking after the period the following: "Thereafter, if the report is not"

Further amend the bill on page 34 by striking lines 8 through 10 in their entirety.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 49; Nays 29.

Yea:

Representatives Black (M), Boyd, Burke, Carns, Carothers, Clouse, Collins, Crigler, Dolbare, Drake, Flowers, Ford, Galliher, Gaston, Graham, Hall (L),

Hamilton, Haney, Hawkins, Hayden, Hilliard, Hinshaw, Hooper, Jackson, Johnson (E), Johnson (R), Jorgensen, Laird, Layson, Lindsey, Maull, McMillan, Melton, Millican, Mitchell, Moore, Morrow, Parker (P), Payne, Penry, Rogers (J), Sanderson, Seibenhener, Sims, Smith, Starkey, Townsend, White and Willis.

-49

Nay:

Mr. Speaker, Allen, Curry, Gaines, Gipson, Guin, Hall (A), Hill, Hogan, McKee, Minnifield, Morrison, Morton, Murphree, Newton (C), Papucci, Parker (T), Perdue, Petelos, Pringle, Robinson, Rogers (M), Spratt, Thomas (D), Turnham, Vance, Venable, Warren and Wren.

-29

AMENDMENT OFFERED

Representatives Rogers (J) and Sanderson offered the following amendment #1 to the bill, S. 265, as amended:

On page 23, line 15, delete the language "thirty thousand dollars (\$30,000)" and insert in lieu thereof: twenty-five thousand dollars (\$25,000)

On page 23, line 17, delete the language "fifteen thousand dollars (\$15,000)" and insert in lieu thereof: twenty-five thousand dollars (\$25,000)

On page 24, line 17, delete the language "three thousand dollars (\$3,000)" and insert in lieu thereof: two thousand five hundred dollars (\$2,500)

On page 24, lines 2 and 3, delete the language "fifteen thousand dollars (\$15,000)" and insert in lieu thereof: twelve thousand five hundred dollars (\$12,500)

On page 24, line 4, delete the language "ten thousand dollars (\$10,000)" and insert in lieu thereof: twelve thousand five hundred dollars (\$12,500)

On page 24, lines 18 and 19, delete the language "two thousand dollars (\$2,000)" and insert in lieu thereof: two thousand five hundred dollars (\$2,500)

AMENDMENT ADOPTED

And the amendment #1 was adopted.

Yeas 84; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Boyd, Carns, Carothers, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Knight (A), Laird, Layson, Letson, Lindsey, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-84

AMENDMENT OFFERED

Representative Rogers (J) offered the following amendment #2 to the bill, S. 265, as amended:

Amend Senate Bill 265 on page 20, line 22 after the word "who" by inserting the word "willfully".

AMENDMENT ADOPTED

And the amendment #2 was adopted.

Yeas 80; Nays 0.

Yea:

Mr. Speaker, Allen, Black (M), Boyd, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Jackson, Johnson (R), Jorgensen, Knight (A), Laird, Layson, Letson, Lindsey, Maull, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-80

AMENDMENT OFFERED

Representative McKee offered the following amendment to the bill, S. 265, as amended:

On page 20, line 8, delete the language "one thousand dollars (\$1,000)" and insert in lieu thereof: two thousand five hundred dollars (\$2,500)

SUBSTITUTE AMENDMENT OFFERED

Representative Payne offered the following substitute amendment to the amendment offered by Representative McKee to the bill, S. 265, as amended:

To amend S. 265 as substituted on page 20 by striking subdivision (3), lines 8 through 13 in their entirety and renumbering accordingly.

MOTION TO TABLE LOST

The motion offered by Representative Venable to table the substitute amendment offered by Representative Payne to the amendment offered by Representative McKee to the bill, S. 265, as amended, was lost.

Yeas 15; Nays 74.

Yea:

Mr. Speaker, Box, Burke, Collins, Guin, Hammett, Hogan, Johnson (R), McKee, Newton (C), Papucci, Parker (T), Pringle, Townsend and Venable.

-15

Nay:

Representatives Baker, Bandy, Black (L), Black (M), Boyd, Buskey, Carns, Carothers, Clark (W), Clouse, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Hall (A), Hall (L), Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hooper, Jackson, Jorgensen, Kennedy, Knight (A), Laird, Layson, Letson, Lindsey, Maull, McDaniel, McMillan, Melton, Millican, Minnifield, Moore, Morrow, Morton, Murphree, Page, Parker (P), Payne, Penry, Perdue, Petelos, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Spratt, Starkey, Thomas (D), Thomas (J), Turner, Turnham, Warren, White and Willis.

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**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 958. Relating to the pension and relief system for policemen and firemen of the City of Mobile, in Mobile County, and eligibility for a service-connected disability; further amending Section 13 of Act No. 243, H. 278 of the 1964 First Special Session (Acts 1964, p. 326) providing for disabilities and the years for continuous service for police officers to qualify therefor; and to exclude certain disabilities.

TOMMY CARTER
Chairman

And the bill, H. 958, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 949. Relating to Cullman County; providing further for the distribution and expenditure of new growth money received from the Tennessee Valley Authority in lieu of ad valorem tax payments and amending Section 1 of Act No. 896, S. 776 of the 1978 Regular Session (Acts 1978, p. 1333).

TOMMY CARTER
Chairman

And the bill, H. 949, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 838. Relating to the Thirteenth Judicial Circuit of Alabama in Mobile County; authorizing the district attorney to establish a Recovery Unit within the Special Services Division as authorized by Section 12-17-24 of the Code of Alabama 1975; providing for collection and the enforcement of court orders in certain cases of nonpayment of restitution to victims of crimes, fines for failure to appear in the court, court costs, fines, penalty payments, victim compensation assessments, and bond forfeitures; providing for a collection fee; providing funds for a new recovery unit; and providing for a fund to assist in the implementation of this act.

TOMMY CARTER
Chairman

And the bill, H. 838, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 442. To amend Section 1 of Act No. 94-694 of the 1994 Regular Session, now appearing as Section 11-47-7.1 of the Code of Alabama 1975, authorizing the municipal governing bodies individually or jointly to levy additional court costs and fees in municipal cases and providing for the distribution of the funds for jail purposes and other related purposes, to specify that the court costs and fees would be based on the court costs and fees in the district court of the county; and to provide retroactive effect.

Also:

H. 27. To amend Sections 34-24-140, 34-24-141, and 34-24-144, Code of Alabama 1975, relating to the Board of Chiropractic Examiners, to further provide for the membership and the operation of the board.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been

dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the foregoing Report of the Standing Committee on Rules.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 484. Relating to the status of mayor in a Class 8 municipality with a mayor-council form of government; to provide that a Class 8 municipality may provide for a referendum at which the registered voters of the city (town) may vote on the issue of whether, after the 1996 municipal election, the office of mayor will be a full-time position; to establish the appropriate procedures for the referendum; to further provide for a subsequent referendum concerning the duties of a mayor in such Class 8 municipality in the event that the governing body subsequently determines that the status of mayor need not be full-time.

Also:

H. 767. Relating to Mobile County; to amend Act No. 86-545, S. 655, 1986 Regular Session, as amended, which creates a county racing commission; to provide further for wagering on broadcasts.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the foregoing Report of the Standing Committee on Rules.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 94. To amend Section 17-1-7, Code of Alabama 1975, to provide that public employees, including law enforcement officers, firefighters, and peace officers, may engage in or refrain from participating in political activity.

And finds same correctly enrolled with Executive Amendment.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 693. To amend Section 41-4-60, Code of Alabama 1975, relating to state warrants; to reduce the period of time to one year for which a state warrant may be presented for payment, or for which a claim on a warrant may be made.

And finds same correctly enrolled with Executive Amendment.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Report of the Standing Committee on Rules.

S. 265 RESUMED

SUBSTITUTE AMENDMENT ADOPTED

The question was then on the adoption of the substitute amendment offered by Representative Payne to the amendment offered by Representative McKee to the bill, S. 265, as amended, and the substitute amendment was adopted.

Yeas 66; Nays 20.

Yea:

Representatives Baker, Black (L), Black (M), Boyd, Buskey, Carns, Carothers, Clouse, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Hall (L), Haney, Hawk, Hayden, Hill, Hilliard, Hinshaw, Hooper, Jackson, Johnson (E), Jorgensen, Kennedy, Knight (A), Laird, Letson, Lindsey, Maull, McClammy, McDaniel, Melton, Millican, Minnifield, Mitchell, Morrison, Morton, Murphree, Payne, Perdue, Petelos, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Spratt, Starkey, Thomas (D), Thomas (J), Turner, Turnham, Vance, Warren, White, Willis and Wren.

-66

Nay:

Mr. Speaker, Box, Burke, Collins, Guin, Hammett, Hawkins, Hogan, Johnson (R), McKee, McMillan, Newton (C), Papucci, Parker (T), Penry, Pringle, Seibenhener, Smith, Townsend and Venable.

-20

AMENDMENT OFFERED

Representative Carns offered the following amendment to the bill, S. 265, as amended:

Amend Senate Bill 265 on page 21, starting on line 15 and ending on line 16 by striking the following language: "and the occupation or type of business of the contributor".

Further amend the bill on page 21, line 16 by adding after the words "respect to a" the following: "report filed by a"

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 90; Nays 2.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Gaston, Gipson, Graham, Guin, Hall (A),

Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Letson, Lindsey, Maull, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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Nay:

Representatives Box and Pringle.

- 2

AMENDMENT OFFERED

Representative Reed offered the following amendment to the bill, S. 265, as amended:

On page 34, line 11, add the following new Section 2 and renumber remaining sections accordingly:

Section 2. Notwithstanding any other provision of this act, the filer of any report required by this act shall have 90 days after the deadline for filing to have the report reviewed by attorneys, accountants, or others and to amend, correct, or substitute the report, without penalty.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 81; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Box, Boyd, Burke, Carns, Carothers, Clark (W), Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Layson, Letson, Lindsey, Maull, McDaniel, McMillan, Melton, Minnifield, Mitchell, Morrison, Morrow, Morton, Murphree, Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Reed, Robinson, Rogers (M), Sanderford, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-81

AMENDMENT OFFERED

Representative Thomas (J) offered the following amendment to the bill, S. 265, as amended:

On page 3, on line 14, delete the language "a promise of a contribution,"

On page 3, on line 18, delete "~~or~~ agreement or promise" and insert in lieu thereof: or agreement

On page 6, on lines 4 and 5, delete "or promise of a thing of value"

MOTION TO TABLE LOST

The motion offered by Representative Knight (A) to table the amendment offered by Representative Thomas (J) to the bill, S. 265, as amended, was lost.

Yeas 13; Nays 66.

Yea:

Representatives Box, Dean, Gaston, Haney, Johnson (R), McKee, McMillan, Newton (C), Pringle, Sanderford, Sanderson, Townsend and Wren.

-13

Nay:

Representatives Baker, Black (M), Burke, Buskey, Carns, Carothers, Clark (W), Collins, Crigler, Curry, Dolbare, Drake, Flowers, Ford, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Jackson, Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McClammy, McDaniel, Melton, Millican, Minnifield, Mitchell, Morrison, Morrow, Morton, Murphree, Page, Papucci, Parker (T), Payne, Perdue, Reed, Robinson, Rogers (M), Seibenhener, Sims, Smith, Spratt, Thomas (J), Turner, Vance, Venable, Warren, White and Willis.

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AMENDMENT ADOPTED

The question was then on the adoption of the amendment offered by Representative Thomas (J) to the bill, S. 265, as amended, and the amendment was adopted.

Yeas 77; Nays 8.

Yea:

Mr. Speaker, Baker, Black (L), Black (M), Boyd, Burke, Buskey, Carothers, Clark (W), Clouse, Collins, Crigler, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Letson, Lindsey, Maull, McClammy, McDaniel, Melton, Millican, Minnifield, Mitchell, Moore, Morrow, Morton, Murphree, Page, Papucci, Parker (P), Payne, Perdue, Petelos, Reed, Robinson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Turner, Turnham, Vance, Venable, Warren, White and Willis.

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Nay:

Representatives Box, Dean, Gaston, McKee, McMillan, Newton (C), Pringle and Townsend.

- 8

And the bill, S. 265, as amended, was read a third time at length and passed.

Yeas 95; Nays 2.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Boyd, Burke, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-95

Nay:

Representatives Mitchell and Pringle.

- 2

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has acceded to the request of the House for a Committee on Conference on the disagreement of the two Houses on the Senate amendment to the House Bill:

H. 66. To amend Sections 17-7-1, 17-8-2.1, and 17-16-40, Code of Alabama 1975, to provide further for including the names of candidates and political parties on the general election ballot.

And the President and Presiding Officer of the Senate has appointed as Committee on part of the Senate, Senators: Waggoner, Ghee, and Smitherman.

McDOWELL LEE
Secretary

H. 854 TAKEN UP

And the bill:

H. 854. To propose an amendment to the Constitution of Alabama of 1901, that would require legislative approval of certain court orders requiring disbursement of state funds.

was taken up.

AMENDMENT OFFERED

Representative Hooper offered the following amendment to the bill, H. 854:

Amend H. 854 as follows: On page 2, line 13, delete the comma.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 64; Nays 0.

Yea:

Mr. Speaker, Allen, Black (M), Box, Carns, Carothers, Clouse, Collins, Curry, Dean, Drake, Dukes, Flowers, Ford, Gaines, Gipson, Guin, Hall (A), Hamilton, Hammett, Haney, Hawk, Hawkins, Hill, Hinshaw, Hooper, Jorgensen, Knight (A),

Laird, Layson, Letson, Lindsey, McDaniel, McKee, Melton, Millican, Minnfield, Morrison, Morrow, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Smith, Starkey, Thomas (D), Townsend, Turner, Turnham, Venable, White, Willis and Wren.

-64

And the bill:

H. 854. To propose an amendment to the Constitution of Alabama of 1901, that would require legislative approval of certain court orders requiring disbursement of state funds.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 72; Nays 3.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Box, Boyd, Carothers, Clouse, Collins, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Gaston, Gipson, Guin, Hall (A), Hamilton, Hammett, Haney, Hawk, Hill, Hilliard, Hinshaw, Hogan, Hooper, Johnson (R), Jorgensen, Knight (A), Laird, Layson, Letson, Lindsey, Maull, McDaniel, McKee, McMillan, Melton, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Penry, Petelos, Pringle, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Turner, Turnham, Vance, Venable, White, Willis and Wren.

-72

Nay:

Representatives Buskey, Clark (W) and Mitchell.

- 3

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Hooper, the Budget Isolation Resolution relating to the bill, H. 655, was adopted.

Yeas 74; Nays 3.

Yea:

Mr. Speaker, Allen, Black (M), Box, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston,

Gipson, Graham, Guin, Hall (A), Hamilton, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Johnson (R), Jorgensen, Knight (A), Laird, Layson, Letson, Lindsey, Maull, McDaniel, McKee, McMillan, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, White, Willis and Wren.

-74

Nay:

Representatives Buskey, Knight (J) and Mitchell.

- 3

And the bill:

H. 655. (With Amendment): To propose an amendment to Article VI of the Constitution of Alabama of 1901, as amended, relating to the Judicial Department; to provide further for the composition and powers of the Judicial Inquiry Commission and the Court of the Judiciary; and to provide further procedures for appealing a decision of the Court of the Judiciary.

was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on State Administration, said committee amendment being as follows:

Amend House Bill 655 on page 3, Section 1 line 4 by striking the word ~~seven~~ and inserting in lieu thereof the following: nine

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 77; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Box, Burke, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Ford, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Johnson (E), Johnson (R), Jorgensen, Knight (A), Laird, Layson, Letson, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Robinson,

Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Willis.

-77

And the bill:

H. 655. To propose an amendment to Article VI of the Constitution of Alabama of 1901, as amended, relating to the Judicial Department; to provide further for the composition and powers of the Judicial Inquiry Commission and the Court of the Judiciary; and to provide further procedures for appealing a decision of the Court of the Judiciary.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 76; Nays 6.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Box, Burke, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawkins, Hill, Hinshaw, Hogan, Hooper, Johnson (E), Johnson (R), Jorgensen, Laird, Layson, Letson, Lindsey, McDaniel, McKee, McMillan, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-76

Nay:

Representatives Hawk, Hilliard, Kennedy, Knight (J), McClammy and Melton.

- 6

RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Representative Bandy:

H.R. 389. COMMENDING WILLIAM EARNEST MORTON OF OPELIKA, ALABAMA, FOR OUTSTANDING ACCOMPLISHMENTS.

H. 194 TAKEN UP

And the bill:

H. 194. To require successful candidates for justice and judge of the appellate courts and circuit and district courts to file certain disclosure statements of contributions received and to prescribe penalties for failure to file the statements.

and the pending amendment offered by Representative Box which were temporarily carried over on the twenty-first legislative day were taken up.

SUBSTITUTE OFFERED

Representative Box offered the following substitute to the bill, H. 194, and to the pending amendment offered by him:

**A BILL
TO BE ENTITLED
AN ACT**

To require successful candidates for justice and judge of the appellate courts and circuit and district courts to file certain disclosure statements of contributions received; to provide for the disclosure of subsequent contributions; to provide for the acceptance of contributions from political action committees; to require certain parties and attorneys to file disclosure statements of contributions; to provide for a procedure for the disqualification of a judicial officer; and to prescribe penalties for failure to file the statements.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The Legislature intends by this act to disqualify an elected judge or justice from hearing a case in which the public may deem that the judge or justice has a vested interest in the decision rendered in the case because as a candidate for the judicial office or subsequently, the judge or justice received a substantial campaign contribution from a party to the case.

Section 2. (a) Any successful candidate elected to an appellate, circuit, or district judgeship shall file, at least two weeks prior to the commencement of the term of office to which the justice or judge was elected, with the clerk of the respective court, a statement disclosing the names and addresses of all campaign contributors and the amount of each contribution. Contributions from political action committees may be accepted if the committee furnishes a list of names and addresses of all contributors and an amount properly attributable to each contributor. For any contributions subsequently received, the same disclosure shall be made within 30 days of receipt. The judicial officer shall file semiannually with the clerk a statement of compliance with the requirements set forth herein or a statement that no contributions have been received. When a judicial officer does not

file the semiannual statement, the clerk shall notify the Administrative Office of Courts and that office shall withhold further compensation to the judicial officer pending compliance with this section.

(b) On the initial appearance of any party or attorney for a party, or both, in any action in any district, circuit, or appellate court, a certificate of disclosure shall be filed by the party with the court and served on all parties. The certificate shall state the amount, if any, of campaign contributions to any judicial officer in active service on the court where the case is pending that have been made in the last election by the party and any employees of the party acting under that party's direction, any insurance carrier for the party which is potentially liable for the party's exposure in the case, the attorney for the party, other lawyers in practice with the attorney, and any employees acting under the direction of the attorney or acting under the direction of those in practice with the attorney. The failure to file the certificate of disclosure with the initial appearance of a party shall not affect the validity of the filing but the court may impose sanctions provided for by Rule 37(b)(2)(C,D) of the Alabama Rules of Civil Procedure, for the failure of a party to comply with this section after being ordered to do so.

(c) The action shall be assigned to a judicial officer regardless of the information contained in the certificate of disclosure. If the action is assigned to a judge or justice of an appellate court who has received more than four thousand dollars (\$4,000) based on the information set forth in any one certificate of disclosure, or to a circuit or district judge who has received more than two thousand dollars (\$2,000) based on the information set forth in any one certificate of disclosure, then, within 14 days after all parties have filed a certificate of disclosure, any party who has filed a certificate of disclosure setting forth an amount below the limit applicable to the judicial officer or an amount above the applicable limit but less than that of any opposing party shall file a written notice of disqualification of the judicial officer or else such party shall be deemed to have waived such disqualification. The 14-day deadline may be extended by the clerk or the court for good cause shown. Under no circumstances shall a judicial officer solicit a waiver of disqualification or participate in the action in any way when the judicial officer knows that the contributions of a party and its attorney exceed the applicable limit and there has been no waiver of disqualification.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

MOTION TO INDEFINITELY POSTPONE LOST

The motion offered by Representative Thomas (J) to indefinitely postpone the bill, H. 194, and the pending substitute and amendment offered by Representative Box was lost.

Yeas 16; Nays 56.

Yea:

Representatives Bandy, Boyd, Gipson, Hall (A), Hall (L), Hayden, Johnson (E), Kennedy, Knight (J), Laird, McClammy, Melton, Mitchell, Morrison, Murphree and Robinson.

-16

Nay:

Mr. Speaker, Allen, Black (M), Carns, Carothers, Clouse, Collins, Curry, Dean, Dolbare, Dukes, Flowers, Gaines, Galliher, Gaston, Guin, Hammett, Haney, Hawk, Hawkins, Hill, Hogan, Hooper, Johnson (R), Knight (A), Layson, McDaniel, McKee, McMillan, Millican, Minnifield, Moore, Morrow, Morton, Newton (C), Papucci, Parker (P), Payne, Penry, Petelos, Pringle, Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Thomas (D), Townsend, Turner, Turnham, Venable, Warren, White, Willis and Wren.

-56

MOTION IN WRITING OFFERED

Representative Sims offered the following Motion in Writing relating to the bill, H. 194:

I move the previous question.

MOTION IN WRITING LOST

And the Motion in Writing was lost, lacking a three-fifths vote.

Yeas 37; Nays 31.

Yea:

Representatives Allen, Burke, Dean, Dolbare, Dukes, Flowers, Gaines, Gaston, Gipson, Graham, Hammett, Haney, Hawkins, Hill, Hogan, Hooper, Jorgensen, Knight (A), Laird, Layson, McDaniel, McMillan, Morrow, Morton, Papucci, Penry, Petelos, Pringle, Rogers (M), Sanderford, Sims, Smith, Thomas (D), Turner, Turnham, White and Willis.

-37

Nay:

Representatives Bandy, Black (L), Buskey, Carns, Carothers, Clark (W), Drake, Guin, Hall (A), Hall (L), Hawk, Hayden, Hilliard, Hinshaw, Houston, Jackson, Kennedy, Knight (J), Letson, McAdory, McClammy, Melton, Minnifield, Mitchell, Morrison, Payne, Perdue, Robinson, Spratt, Thomas (J) and Warren.

-31

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 655. To propose an amendment to Article VI of the Constitution of Alabama of 1901, as amended, relating to the Judicial Department; to provide further for the composition and powers of the Judicial Inquiry Commission and the Court of the Judiciary; and to provide further procedures for appealing a decision of the Court of the Judiciary.

TOMMY CARTER
Chairman

And the bill, H. 655, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 854. To propose an amendment to the Constitution of Alabama of 1901, that would require legislative approval of certain court orders requiring disbursement of state funds.

TOMMY CARTER
Chairman

And the bill, H. 854, as engrossed, was ordered sent to the Senate.

H. 194 TEMPORARILY CARRIED OVER

In accordance with House Rule 21, the bill, H. 194, and the pending substitute and amendment offered by Representative Box were temporarily carried over at the request of Representative Turner.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Turner, the Budget Isolation Resolution relating to the bill, S. 217, was adopted.

Yeas 84; Nays 2.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Cams, Carothers, Clark (W), Clouse, Collins, Curry, Dean, Drake, Dukes, Flowers, Ford, Fuller, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Letson, Lindsey, Maull, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Vance, Venable, White and Willis.

-84

Nay:

Representatives Hamilton and Layson.

- 2

PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative Laird inadvertently voted "Yea" and intended to vote "Nay" on the adoption of the Budget Isolation Resolution relating to the bill, S. 217.

S. 217 TAKEN UP

And the bill:

S. 217. (With Amendment): Proposing an amendment to the Constitution of Alabama of 1901, to phase out supernumerary programs and to permit participation in a fiscally sound existing retirement system.

was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

Amend Senate Bill 217 on page 2, line 15 after the word "sheriff" by adding the following: ", full time county commissioner"

Further amend the bill on page 3, line 12 after the word "sheriff," by adding the following: "full time county commissioner,"

Further amend the bill on page 4, line 2 after the word "sheriff" by adding the following: ", full time county commissioner"

SUBSTITUTE OFFERED

Representative McMillan offered the following substitute to the bill, S. 217, and to the pending committee amendment:

A BILL TO BE ENTITLED AN ACT

Proposing an amendment to the Constitution of Alabama of 1901, to phase-out the current supernumerary program for county officials.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The following amendment to the Constitution of Alabama of 1901, as amended, is proposed and shall become valid as a part thereof when approved by a majority of the qualified electors voting thereon and in accordance with Sections 284, 285, and 287 of the Constitution of Alabama of 1901, as amended:

PROPOSED AMENDMENT

After the effective date of this amendment, no person elected or appointed to a county office that has a supernumerary program shall participate or contribute to a supernumerary program. Any person who is participating in a supernumerary program may continue to participate in that supernumerary program, which shall include the assumption of a supernumerary office according to the terms and conditions of the law which established that supernumerary program. For the purposes of this amendment, the words "elected or appointed county official" shall include any person appointed to serve the remaining term of an elected or appointed county official.

Section 2. An election upon the proposed amendment shall be held in accordance with Sections 284 and 285 of the Constitution of Alabama of 1901, as amended, and the general election laws of this state.

Section 3. The appropriate election official shall assign a ballot number for the proposed constitutional amendment on the election ballot and shall set forth the following description of the substance or subject matter of the proposed constitutional amendment:

"Proposing an amendment of the Constitution of Alabama of 1901, to phase-out the supernumerary system for county officials.

Proposed by Act _____"

This description shall be followed by the following language:

"Yes () No ()."

MOTION TO TABLE LOST

The motion offered by Representative Turner to table the substitute offered by Representative McMillan to the bill, S. 217, and to the pending committee amendment, was lost.

Yeas 13; Nays 66.

Yea:

Representatives Black (M), Box, Boyd, Burke, Buskey, Clark (W), Fuller, Kennedy, Melton, Minnifield, Parker (T), Turner and White.

-13

Nay:

Mr. Speaker, Allen, Baker, Carns, Carothers, Clouse, Collins, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Guin, Hamilton, Hammett, Haney, Hawk, Hawkins, Hill, Hilliard, Hogan, Houston, Johnson (E), Johnson (R), Jorgensen, Knight (A), Laird, Layson, Letson, McAdory, McClammy, McDaniel, McMillan, Millican, Mitchell, Moore, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Payne, Penry, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Townsend, Turnham, Vance, Venable, Warren and Willis.

-66

SUBSTITUTE ADOPTED

The question was then on the adoption of the substitute offered by Representative McMillan to the bill, S. 217, and to the pending committee amendment, and the substitute was adopted.

Yeas 85; Nays 8.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Burke, Carns, Carothers, Clouse, Collins, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-85

Nay:

Representatives Bandy, Box, Buskey, Clark (W), Hayden, Kennedy, Minnifield and Mitchell.

- 8

And the bill, S. 217, as amended, was read a third time at length and passed.

Yeas 87; Nays 3.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Box, Boyd, Burke, Carns, Carothers, Clark (W), Clouse, Collins, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawk, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-87

Nay:

Representatives Johnson (E), Minnifield and Thomas (D).

- 3

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Jorgensen, the Budget Isolation Resolution relating to the bill, S. 55, was adopted.

Yeas 90; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clouse, Collins, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

-90

And the bill:

S. 55. To amend Section 40-23-1, Code of Alabama 1975, to clarify that the state sales tax would not apply to the use or consumption of a manufactured product by the manufacturer thereof if used in quality control testing or if given to certain charitable entities.

was read a third time at length and passed.

Yeas 92; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-92

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Parker (T), the Budget Isolation Resolution relating to the bill, H. 462, was adopted.

Yeas 76; Nays 2.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Burke, Carns, Clouse, Collins, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Johnson (E), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morton, Newton (C), Papucci, Parker (P), Parker (T), Penry, Pringle, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

-76

Nay:

Representatives Payne and White.

-2

And the bill:

H. 462. (With Substitute) (With Amendments): To provide for the enactment of the Safe Streets Act of 1995; to provide for notice to the public of the act; to require the Department of Public Safety to notify a person by certified mail of the cancellation, revocation, or suspension of his or her driver's license, and include with the notice a demand for surrender of the license within a time certain; to provide certain exemptions; and to provide for seizure and forfeiture of a motor vehicle driven by a person who is driving while his or her driver's license or driving privilege has been cancelled, suspended, or revoked.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on State Administration, said committee substitute being as follows:

To provide for the enactment of the Safe Streets Act of 1995; to provide for notice to the public of the act; to require the Department of Public Safety to notify a person by certified mail of the cancellation, revocation, or suspension of his or her driver's license, and include with the notice a demand for surrender of the

license within a time certain; to provide certain exemptions; and to provide for seizure and forfeiture of a motor vehicle driven by a person who is driving while his or her driver's license or driving privilege has been cancelled, suspended, or revoked.

SUBSTITUTE TO SUBSTITUTE OFFERED

Representative Parker (T) offered the following substitute to the substitute reported by the Standing Committee on State Administration to the bill, H. 462, and to the pending committee amendments:

A BILL TO BE ENTITLED AN ACT

To provide for the enactment of the Safe Streets Act of 1995; to provide for notice to the public of the act; to require the Department of Public Safety to notify a person by certified mail of the seizure and forfeiture of his or her motor vehicle, and include with the notice a demand for surrender of the license within a time certain; to provide certain exemptions; and to provide for seizure and forfeiture of a motor vehicle driven by a person who is driving while his or her driver's license or driving privilege has been cancelled, suspended, or revoked.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. This bill may be cited as the "Safe Streets Act of 1995."

Section 2. The Legislature finds and declares all of the following:

(1) Driving a motor vehicle on the public streets and highways is a privilege, not a right.

(2) Of all drivers involved in fatal accidents, a driver with a suspended license is more likely to be involved in a fatal accident than a properly licensed driver.

(3) Alabamians who comply with the law are frequently victims of traffic accidents caused by unlicensed drivers. These innocent victims suffer considerable pain and property loss at the hands of people who flaunt the law.

(4) A large number of persons whose driving privilege has been suspended or revoked continue to drive regardless of the law.

(5) It is necessary and appropriate to take additional steps to prevent unlicensed drivers from driving, including the civil forfeiture of vehicles used by unlicensed drivers. The state has a critical interest in enforcing its traffic laws and in keeping unlicensed drivers from illegally driving. Seizing the vehicles used by

unlicensed drivers serves a significant governmental and public interest, namely the protection of the health, safety, and welfare of Alabamians from the harm of unlicensed drivers, who are involved in a disproportionate number of traffic incidents, and the avoidance of the associated destruction and damage to lives and property.

(6) The Safe Streets Act of 1995 is consistent with the due process requirements of the United States Constitution and the holding of the Supreme Court of the United States in *Calero-Toledo v. Pearson Yacht Leasing Co.*, 40 Ed. 2d 452.

Section 3. For the purposes of this act, the following words shall have the following meanings:

(1) **IMPOUNDING AGENCY.** The law enforcement agency which impounded the vehicle driven by a person without a valid driver's license.

(2) **LEGAL OWNER.** A lienholder, person with a security interest in a motor vehicle, a lessor of a motor vehicle, assignee of the lessor, or a person who is the registered owner of the motor vehicle.

Section 4. (a) Notwithstanding any other provision of law, and except as otherwise provided in this section, a motor vehicle is subject to forfeiture as a nuisance if it is driven on a highway of this state and all of the following conditions exist:

(1) The motor vehicle is registered in the name of the driver.

(2) The motor vehicle is driven by a person whose license or license privilege is suspended or revoked at the time he or she was stopped for having been previously convicted of driving under the influence of alcohol or a controlled substance, as defined in Section 32-5A-191 of the Code of Alabama 1975.

(3) The driver is unlicensed.

(b) A law enforcement officer may not stop a vehicle for the purpose of determining whether the driver is properly licensed under this act.

(c)(i) If a driver is unable to produce a valid driver's license on the demand of a law enforcement officer, the vehicle shall be impounded regardless of ownership, unless the peace officer is reasonably able, by other means, to verify that the driver is properly licensed. Prior to impounding a vehicle, a law enforcement officer shall make a reasonable attempt to verify the license status of a driver who claims to be properly licensed, but who is unable to produce the license on demand of the law enforcement officer.

(2) A law enforcement officer shall not impound a vehicle pursuant to this subdivision if the license of the driver expired within the preceding 90 days and the driver would otherwise have been properly licensed.

(3) A registered or legal owner of record including the holder of any lien or encumbrance on the vehicle at the time of impoundment may request a hearing to determine the validity of the impoundment pursuant to subsection (m).

(4) If the driver of a vehicle impounded pursuant to this subdivision was not a registered owner of the vehicle at the time of impoundment, or if the driver of the vehicle was a registered owner of the vehicle at the time of impoundment, but the driver does not have a previous conviction for a violation of Section 32-5A-191 of the Code of Alabama 1975, the vehicle shall be released and is not subject to forfeiture.

(d) A vehicle impounded pursuant to subsection (c) shall be released if:

(1) The driver presents his or her valid driver's license, including a valid temporary Alabama driver's license or permit, to the impounding agency. The vehicle shall then be released to a registered owner of record at the time of impoundment, or an agent of the owner authorized in writing, upon payment of towing and normal and customary storage charges related to the impoundment, providing that the person claiming the vehicle is properly licensed and the vehicle is properly registered.

(2) On the second violation of this act and if the driver does not have a valid driver's license, and the driver presents a signed statement or affidavit that the loss of the vehicle will cause an economic or personal hardship to his or her household. The vehicle shall then be released to a registered owner of record at the time of impoundment, or an agent of the owner authorized in writing, upon payment of towing and normal and customary storage charges related to the impoundment, providing that the person claiming the vehicle is properly licensed or has a person who is properly licensed to drive the vehicle, and the vehicle is properly registered.

(e) On a third violation of this act, the vehicle shall remain in the custody of the impounding law enforcement agency unless the driver requests a hearing pursuant to subsection (d) and there is a favorable ruling for the driver.

(f)(l) The impounding agency, in the case of a vehicle that has not been redeemed pursuant to subsection (d), or has not been otherwise released, shall promptly ascertain from the Department of Revenue the names and addresses of all legal and registered owners of the vehicle.

(2) The impounding agency, within five working days of impoundment, shall send a notice by certified mail, return receipt requested, to all legal owners of the vehicle, and to any holder of a lien or encumbrance on the vehicle, at the addresses obtained from the Department of Revenue informing them that the vehicle is subject to forfeiture and will be sold or otherwise disposed of pursuant to this section. The notice shall also include instructions for filing a claim with the district attorney of the judicial circuit wherein the vehicle was impounded, and the time limits for filing a claim. The notice shall also inform any legal owner of its right

to conduct the sale pursuant to subsection (h). If a registered owner was personally served at the time of impoundment with a notice containing all the information required to be provided by this subdivision, no further notice is required to be sent to a registered owner. However, a notice shall be sent to the legal owners of the vehicle, if any.

(3) If no claims are filed and served within 30 days after the mailing of notice in subdivision (2), or if no claims are filed and served within 10 days of personal service of the notice specified in subdivision (2), when no other mailed notice is required pursuant to subdivision (2), the district attorney shall prepare a written declaration of forfeiture of the vehicle to the state. A written declaration of forfeiture signed by the district attorney under this subdivision shall be deemed to provide good and sufficient title to the forfeited vehicle. A copy of the declaration shall be provided on request to the person informing of the pending forfeiture pursuant to paragraph (2). A claim that is filed and is later withdrawn by the claimant shall be deemed not to have been filed.

(4) If a claim is timely filed and served, then the district attorney shall file a petition of forfeiture with the appropriate court within 10 days of the receipt of the claim. The district attorney shall establish an expedited hearing date in accordance with instructions from the court, and the court shall hear the matter within five working days. The court filing fee shall be paid by the claimant, but shall be reimbursed by the impounding agency if the claimant prevails. To the extent practicable, the civil and criminal cases shall be heard at the same time in an expedited, consolidated proceeding.

(5) The burden of proof in the civil case shall be on the prosecuting agency by a preponderance of the evidence. All questions that may arise shall be decided and all other proceedings shall be conducted as in an ordinary civil action. A judgment of forfeiture does not require as a condition precedent to the conviction of a defendant of an offense which made the vehicle subject to forfeiture. The filing of a claim within the time limits specified in subdivision (3) is a jurisdictional prerequisite for the availing of the action authorized by subdivision (3).

(6) All rights, title, and interest in the vehicle shall vest in the state upon commission of the act giving rise to the forfeiture. However, when the certificate of title discloses lienholders, the imposing authority shall notify each lienholder of the seizure within 10 days of the seizure. If the total amount of a valid lien equals or exceeds the value of the vehicle seized, the vehicle shall be made available to the lienholder in order of priority upon payment by the lienholder of all costs of towing and storage to the impounding agency. The lienholder shall not dispose of the vehicle until and unless a verdict of guilty has been entered against the driver of the vehicle.

(g) Any vehicle impounded that is not redeemed pursuant to subsection (d) and is subsequently forfeited pursuant to this section shall be sold after an order of forfeiture is issued by a court pursuant to subsection (f).

(h) Any legal owner who in the regular course of business conducts sales of repossessed or surrendered motor vehicles may take possession and conduct the sale of the forfeited vehicle if it notifies the agency impounding the vehicle of its intent to conduct the sale within 15 days of the mailing of the notice pursuant to subsection (f). The sale of the vehicle after forfeiture pursuant to this subsection may be conducted at the time, in the manner, and on the notice usually given by the legal owner for the sale of repossessed or surrendered vehicles. The proceeds of any sale conducted by the legal owner shall be disposed of as provided in subsection (j).

(i) If the legal owner does not notify the agency impounding the vehicle of its intent to conduct the sale as provided in subsection (h), the agency shall offer the forfeited vehicle for sale at public auction within 60 days of receiving title to the vehicle. Low value vehicles shall be disposed of pursuant to subsection (l).

(j) The proceeds of a sale of a forfeited vehicle shall be disposed of in the following priority:

(1) To satisfy the towing and storage costs following impoundment, the costs of providing notice pursuant to subsection (f), the costs of sale, and the unfunded costs of judicial proceedings, if any.

(2) To the legal owner in an amount to satisfy the indebtedness owed to the legal owner remaining as of the date of sale, including accrued interest or finance charges and delinquency charges, providing that the principal indebtedness was incurred prior to the date of impoundment. The proceeds of the sale payable under this subparagraph shall be paid to the holder of the first priority lien or first priority encumbrance on the vehicle.

(3) To the holder of any subordinate lien or encumbrance on the vehicle, other than a registered or legal owner, to satisfy any indebtedness so secured if written notification of demand is received before distribution of the proceeds is completed. The holder of a subordinate lien or encumbrance, if requested, shall furnish reasonable proof of its interest and, unless it does so upon request, is not entitled to distribution pursuant to this section.

(4) To any other person, other than a registered or legal owner, who can reasonably establish an interest in the vehicle, if written notification received before distribution of the proceeds is completed.

(5) Of the remaining proceeds, funds shall be made available to pay any local agency and court costs that are reasonably related to the implementation of this section, that remain unsatisfied.

(6) Of the remaining proceeds, half shall be transferred to the State Treasurer for deposit in the General Fund for the benefit of the Department of Public Safety and half shall be transferred to the general fund of the municipality or county of the impounding agency. A portion of the local funds may be used to

establish a reward fund for persons coming forward with information leading to the arrest and conviction of hit and run drivers and to publicize the availability of the reward fund.

(k) The person conducting the sale shall disburse the proceeds of the sale as provided in subsection (i) and shall provide a written accounting regarding the disposition to the impounding agency and, on request, to any person entitled to claiming a share of the proceeds, within 15 days after the sale is conducted.

(l) If the vehicle to be sold pursuant to this section is not of the type that can readily be sold to the public generally, the vehicle shall be conveyed to a licensed dismantler or donated to a public institution. License plates shall be removed from any vehicle conveyed to a dismantler pursuant to this subsection.

(m) No vehicle shall be sold pursuant to this section if the impounding agency determines the vehicle to have been stolen. In this event, the vehicle may be claimed by the registered owner at any time after impoundment, providing the vehicle registration is current and the registered owner has no outstanding traffic violations. If the identity of the legal and registered owners of the vehicle cannot be reasonably ascertained, the vehicle may be sold.

(n) Any owner of a vehicle who suffers any loss due to the impoundment or forfeiture of any vehicle pursuant to this section may recover the amount of the loss from the unlicensed, suspended, or revoked driver.

(o)(1) The impounding agency, if requested to do so, shall not later than 10 days after the date the vehicle was impounded provide the opportunity for a poststorage hearing to determine the validity of the storage to the persons who were the registered and legal owners of the vehicle at the time of impoundment, except that the hearing shall be requested within three days after the date the vehicle was impounded if personal service was provided to a registered owner pursuant to subdivision (2) of subsection (f) and no mailed notice is required.

(2) The poststorage hearing shall be conducted not later than two days after the date it was requested and it shall be conducted in the office or post headquarters of the law enforcement agency that seized the vehicle. The impounding agency may authorize its own officer or employee or request the municipal or district court, where appropriate, to conduct the hearing if the hearing officer is not the same person who directed the storage of the vehicle. Failure of either the registered or legal owner to request a hearing as provided in subdivision (1) or to attend a scheduled hearing shall satisfy the poststorage hearing requirement.

(3) The agency employing the person who directed the storage is responsible for the costs incurred for towing and storage if it is determined that the driver at the time of impoundment had a valid driver's license.

(p) As used in this section, "days" means workdays not including weekends and holidays.

(q) Charges for towing and storage for any vehicle impounded pursuant to this section shall not exceed the normal towing and storage rates for other vehicle towing and storage conducted by the impounding agency in the normal course of business.

(r) The Administrative Office of Courts shall prescribe and distribute standard forms and procedures for implementation of this section to be used by all courts and law enforcement agencies throughout the state.

(s) The impounding agency may act as the agent of the state in carrying out this section.

(t) No vehicle shall be impounded pursuant to this section if the driver has a valid license but the license is for a class of vehicle other than the vehicle operated by the driver.

Section 5. Upon a first conviction of a violation of Section 32-5A-191 of the Code of Alabama 1975, the court shall inform the defendant that a motor vehicle is subject to forfeiture as a nuisance if it is driven on a highway in this state by a driver with a suspended or revoked license, or by an unlicensed driver, who is a registered owner of the vehicle and has a previous misdemeanor conviction for a violation of Section 32-5A-191 of the Code of Alabama 1975.

Section 6. If a person fails to surrender his or her license to the department, the department shall set and charge a license reinstatement penalty fee, as determined by the department, in addition to a fee that may be required by Section 32-6-17 of the Code of Alabama 1975. The fee shall be waived if the person returns to the department an acknowledgment of the license suspension or revocation along with a statement that the license has been previously surrendered to a court or law enforcement officer or provides any other reasonable explanation.

Section 7. Nothing in this act shall be deemed either to authorize a municipality to enact an ordinance, or to preempt or preclude a municipality from enacting an ordinance, that provides for administrative sanctions involving impoundment of vehicles used in the commission of the offense of driving with a suspended or revoked license or without a license.

Section 8. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 9. All laws or parts of laws which conflict with this act are repealed.

Section 10. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE TO SUBSTITUTE ADOPTED

And the substitute offered by Representative Parker (T) was adopted.

Yeas 81; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Boyd, Carns, Carothers, Clouse, Collins, Curry, Dean, Dolbare, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrow, Morton, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Willis and Wren.

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And the bill:

H. 462. To provide for the enactment of the Safe Streets Act of 1995; to provide for notice to the public of the act; to require the Department of Public Safety to notify a person by certified mail of the seizure and forfeiture of his or her motor vehicle, and include with the notice a demand for surrender of the license within a time certain; to provide certain exemptions; and to provide for seizure and forfeiture of a motor vehicle driven by a person who is driving while his or her driver's license or driving privilege has been cancelled, suspended, or revoked.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 88; Nays 1.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Boyd, Carns, Carothers, Clouse, Collins, Curry, Dean, Dolbare, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Penry, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

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Nay:

Representative Payne.

- 1

PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative Johnson (E) intended to vote "Yea" on passage of the bill, H. 462, as amended.

CO-SPONSORS ADDED

The following were added as co-sponsors to the bill, H. 462, as amended:

Representatives Allen, Baker, Burke, Clouse, Collins, Curry, Dolbare, Dukes, Flowers, Galliher, Gipson, Graham, Guin, Hall (L), Hamilton, Hammett, Haney, Hawk, Hayden, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Knight (J), Lindsey, McAdory, McClammy, McDaniel, Minnifield, Mitchell, Moore, Morrow, Morton, Papucci, Petelos, Rogers (M), Sanderford, Sanderson, Seibenhener, Smith, Spratt, Thomas (J), Townsend, Vance, Venable and Warren.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senators Figures, Windom, Myers, and Lipscomb (With Notice and Proof):

S. 651. Relating to the pension and relief system for policemen and firemen of the City of Mobile, in Mobile County, and eligibility for a service-connected disability; further amending Section 13 of Act No. 243, H. 278 of the 1964 First Special Session (Acts 1964, p. 326) providing for disabilities and the years for continuous service for police officers to qualify therefor.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, S. 651, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 651. Local Legislation No. 3.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Butler (With Notice and Proof):

S. 654. Relating to Limestone County; to provide for the salary and expense allowance of the county superintendent of education.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, S. 654, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 654. Local Legislation No. 1.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Butler (With Notice and Proof):

S. 661. Relating to Limestone County; providing an additional expense allowance for members of the Limestone County Board of Education; and providing for the salary of the members commencing with the next term of office.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, S. 661, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 661. Local Legislation No. 1.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Bedford (With Notice and Proof):

S. 664. Relating to the Franklin County Commission; to provide for five commissioners elected from single-member districts effective with the election in November 1996; to provide for the boundaries of the five commission districts; to provide for the selection of the chair; to provide for the salary of the commissioners; to provide for a referendum election; and to repeal all conflicting law.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, S. 664, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 664. Local Legislation No. 1.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Smitherman (With Notice and Proof):

S. 553. Relating to retirement or participant benefits and spouse's or survivor's benefits for persons in Class 1 municipalities who are covered by a pension, relief, and retirement system for municipal officers and employees pursuant to Act No. 929, S. 676, Regular Session 1951, as amended, to make legislative findings, to provide that all recipients of extraordinary disability benefits whose longevity payment received during the year prior to their disability was not included in the amount of monthly salary used in the calculation of the extraordinary disability benefit shall receive an increase in the monthly benefit of 70 percent of one-twelfth of the total longevity payment received during the year immediately preceding the recipient's disability application; and to set an effective date.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, S. 553, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 553. Local Legislation No. 2.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator McClain (With Notice and Proof):

S. 551. Relating to Jefferson County, Bessemer Division; to impose additional court costs to certain court costs presently in effect in the Bessemer

Division of the Tenth Judicial Circuit of Alabama; to provide that the costs and charges collected be placed in a "Treatment to Alternative Street Crime Fund"; and to provide for distribution of the funds.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, S. 551, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 551. Local Legislation No. 2.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Amari (With Notice and Proof):

S. 395. Relating to the City of Birmingham in Jefferson County, to further amend Act No. 929, 1951 Regular Session and as extensively amended by Act No. 1272, 1973 Regular Session which created a Retirement and Relief System for officers and employees of Class 1 Municipalities, so as to provide further for a member appointed by the city council and a retired member elected by the retired members in the system to serve as members of the board of managers of the City of Birmingham Retirement and Relief System; to provide further for a quorum of the board; to provide additional compensation for members of the board; and to provide further for the filing of reports and records which shall be public records subject to inspection.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, S. 395, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 395. Local Legislation No. 2.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator McClain (With Notice and Proof):

S. 37. Relating to the City of Fairfield in Jefferson County, Alabama; to validate actions of the city governing body relative to the establishment of the Fairfield Civic Center.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, S. 37, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 37. Local Legislation No. 2.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Smitherman (With Notice and Proof):

S. 302. Relating to Jefferson County; to amend Act No. 929, S. 676 of the 1951 Regular Session (Acts 1951, p. 1579), as amended by Act No. 1272, H. 620 of the 1973 Regular Session (Acts 1973, p. 2124), relating to a pension system; to provide that employees of the Birmingham Emergency Management Communication District shall be included in the pension system.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, S. 302, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 302. Local Legislation No. 2.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Escott-Russell (With Notice and Proof):

S. 386. To alter and rearrange the boundaries of the City of Birmingham to include within such boundaries certain described territory situated in Jefferson County, generally known as the Pawnee Reservoir of the Industrial Water System, which is not contiguous to the boundaries of the City of Birmingham.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, S. 386, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 386. Local Legislation No. 2.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Amari:

S. 401. Relating to retirement or participant benefits and spouse's or survivor's benefits for persons in Class 1 municipalities who are covered by a pension, relief, and retirement system for municipal officers and employees pursuant to Act No. 929, S. 676, Regular Session 1951, as amended, to make legislative findings, to provide that all recipients of extraordinary disability benefits whose longevity payment received during the year prior to their disability was not included in the amount of monthly salary used in the calculation of the extraordinary disability benefit shall receive an increase in the monthly benefit of 70 percent of one-twelfth of the total longevity payment received during the year immediately preceding the recipient's disability application; and to set an effective date.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 401. Local Legislation No. 2.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator McClain (With Notice and Proof):

S. 576. To alter and rearrange the corporate boundaries of the City of Brighton to include certain lots in the survey known as Johnson City in the Northwest Quarter of Section 26, Township 18 South, Range 4 West, in Jefferson County.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, S. 576, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 576. Local Legislation No. 2.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Waggoner (With Notice and Proof):

S. 596. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Hoover, in Jefferson County.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, S. 596, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 596. Local Legislation No. 2.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator McClain (With Notice and Proof):

S. 631. Providing for the election of the board of education of the City of Fairfield; providing that the members of the board shall be elected from defined school districts; providing for the terms of office, qualifications, and compensation of the members; prescribing procedures for electing the members and for filling vacancies on the board; providing for board representation for persons not residing within a school district; providing for financial audits of the records of the board; and providing that this act shall become effective upon the ratification of an amendment to the Constitution of Alabama of 1901, authorizing an elected board of education for the City of Fairfield.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, S. 631, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 631. Local Legislation No. 2.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator McClain (With Notice and Proof):

S. 633. Relating to Jefferson County; to amend Act No. 661, H. 978, Regular Session 1951 (Acts 1951, p. 1125), as amended, relating to the regulation and licensing of barbers, barber shops, and barber colleges; to provide for increase in certain fees, increase in the per diem of the members of the barber commission; to provide for the issuance of permits to barber students, and imposition of a fee for the permit.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, S. 633, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 633. Local Legislation No. 2.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Little (With Notice and Proof):

S. 637. Relating to Tallapoosa County; relating to the compensation and expense allowance for the Sheriff of Tallapoosa County; to further provide for an additional expense allowance and expiration date therefor and the sheriff's compensation in the next term of office.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, S. 637, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 637. Local Legislation No. 1.

SPECIAL ORDER CALENDAR RESUMED

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Sanderson, the Budget Isolation Resolution relating to the bill, H. 886, was adopted.

Yeas 78; Nays 1.

Yea:

Mr. Speaker, Allen, Bandy, Black (M), Boyd, Burke, Carns, Carothers, Clouse, Collins, Curry, Dean, Dolbare, Dukes, Flowers, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Laird, Layson, Letson, Maull, McAdory, McDaniel, McMillan, Melton, Millican, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Page, Papucci, Parker (P), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, Warren, White and Willis.

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Nay:

Representative Minnifield.

And the bill:

H. 886. To amend Section 40-17-174 of the Code of Alabama 1975, to provide for a one-time collection of the wholesale oil license fee.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 93; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, Warren, Willis and Wren.

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BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Knight (J), the Budget Isolation Resolution relating to the bill, H. 720, was adopted.

Yeas 87; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Box, Boyd, Burke, Buskey, Carns, Carothers, Clouse, Collins, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Fuller, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Page, Papucci, Parker (P), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Townsend, Turnham, Vance, Venable, Warren, White and Willis.

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And the bill:

H. 720. (With Amendment): To amend Section 36-12-40, Code of Alabama 1975, to allow access to certain files of public employees.

was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on State Administration, said committee amendment being as follows:

Amend House Bill 720 on page 2, by deleting lines 10 through 13 in their entirety

Further amend on page 2, line 14 by deleting the following: ~~(e) Notwithstanding subsection (b), a~~ and inserting in lieu thereof the following: (b) A

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 87; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clouse, Collins, Curry, Dean, Dolbare, Drake, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Hall (A), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrow, Morton, Murphree, Page, Papucci, Parker (P), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turnham, Vance, Venable, Warren, White and Willis.

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And the bill:

H. 720. To amend Section 36-12-40, Code of Alabama 1975, to allow access to certain files of public employees.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 97; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Drake, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Willis.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H.J.R. 340. CREATING A JOINT INTERIM LEGISLATIVE COMMITTEE TO INVESTIGATE TAX AUDITS OF THE DEPARTMENT OF REVENUE AND DIRECTING THE EXAMINERS OF PUBLIC ACCOUNTS TO ASSIST THE COMMITTEE.

McDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Knight (J), the House concurred in and adopted the Senate amendment to the resolution, H.J.R. 340, said Senate amendment being as follows:

Amend H.J.R. 340 on page 3, line 25, after the word "business." add the following: "The maximum amount to be expended under the provisions of the resolution shall be \$10,000.00."

REPORT OF COMMITTEE ON CONFERENCE ON H. 66

We, the Committee of Conferees appointed to reconcile the differences between the two Houses concerning H. 66 have met, considered the matter, and agreed to the following:

Conference Committee Substitute to H. 66 is attached.

JOHN G. PAGE, III
JOHNNY CURRY
JAMES E. BUSKEY

CONFEREES OF THE HOUSE

DOUG GHEE
J. T. WAGGONER

CONFEREES OF THE SENATE

A BILL
TO BE ENTITLED
AN ACT

To amend Sections 17-7-1, 17-8-2.1, and 17-16-40, Code of Alabama 1975, to provide further for including the names of candidates and political parties on the general election ballot.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 17-7-1, 17-8-2.1, and 17-16-40, Code of Alabama 1975, are amended to read as follows:

"§17-7-1.

"(a) The following persons shall be entitled to have their names printed on the appropriate ballot for the general election, provided they are otherwise qualified for the office they seek:

"(1) All candidates who have been put in nomination by primary election and certified in writing by the chair and secretary of the canvassing board of the party holding the primary and filed with the probate judge of the county, in the case of a candidate for county office, and the Secretary of State in all other cases, on the day next following the last day for contesting the primary election for that office if no contest is filed. If a contest is filed, then the certificate for the contested office must be filed on the day next following the date of settlement or decision of the contest.

"(2) All candidates who have been put in nomination by any caucus, convention, mass meeting, or other assembly of any political party or faction and certified in writing by the chair and secretary of the nominating caucus, convention, mass meeting, or assembly and filed with the probate judge, in the case of a candidate for county office, and the Secretary of State in all other cases, on or before 5:00 P.M. ~~60 days before the date of the first primary election~~ six days after the second primary election.

"(3) Each candidate who has been requested to be an independent candidate for a specified office by written petition signed by electors qualified to vote in the election to fill the office when the petition has been filed with the probate judge, in the case of a county office and with the Secretary of State in all other cases, on or before 5:00 P.M. ~~60 days before the first primary election~~ six days after the second primary election. The number of qualified electors signing the petition shall equal or exceed ~~one~~ five percent of ~~the total number of registered voters of:~~ of the qualified electors who cast ballots for the office of Governor in the last general election for the state, county, city, district, or other political subdivision in which the candidate seeks to qualify.

~~"a. The county if the office is to be filled by vote of the electors of the entire county;~~

~~"b. The state if the office is to be filled by vote of electors of the entire state;~~
~~or~~

~~"c. The district if the office is to be filled by the electors of a district.~~

"(b) With regard to the 1992 election cycle for candidates for the United States House of Representatives only, and only if the Legislature adopts an approved congressional reapportionment plan in the 1992 Regular Session, candidates shall be certified or qualified on or before 5:00 p.m. 29 days before the first primary election.

"(c) The Secretary of State must, not later than ~~six~~ 45 days after the second primary, certify to the probate judge of each county in the state, in the case of an officer to be voted for by the electors of the whole state, and to the probate judges of the counties composing the circuit or district in case of an officer to be voted for by the electors of a circuit or district, upon suitable blanks to be prepared by him or her for that purpose, the fact of nomination or independent candidacy of each nominee or independent candidate or candidate of a party who did not receive more than 20 percent of the entire vote cast in the last general election preceding the primary who has qualified to appear on the general election ballot. The probate judge shall then prepare the ballot with the names of each candidate qualified under the provisions of this section printed on the ballot. The probate judge is prohibited from causing to be printed on the ballot the name of any independent candidate who was a candidate in the primary election of that year."

"§17-8-2.1.

"(a) No political party, except those qualified as a political party under Title 17, chapter 16, shall be included on any general election ballot unless:

"(1) The party shall have filed with the secretary of state or other appropriate official ~~at the same time set by law in section 17-16-11, for candidates in primary elections to qualify~~ six days after the second primary election a list of the signatures of at least ~~one~~ five percent of the qualified electors who casts ballots for the office of governor in the last general election for the state, county, city, district or other political subdivision in which the political party seeks to qualify candidates for office; and unless

"(2) The party shall have fulfilled all other applicable requirements of federal, state or local laws.

"(b) The provisions of this section are supplemental to the provisions of Title 17, chapter 16, and other laws regarding the conduct of elections in Alabama, and shall repeal only those laws or parts of laws in direct conflict herewith."

"§17-16-40.

"The secretary of state shall, within ~~six~~ 45 days after the second primary election, certify to the probate judge of each county in the state a separate list of nominees of each party for office and for each candidate who has requested to be an independent candidate and has filed a written petition in accordance with Section 17-7-1(a)(3), except nominees for county offices, to be voted for by the voters of such county."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

REPORT OF THE COMMITTEE ON CONFERENCE ADOPTED

On motion of Representative Page, the House concurred in and adopted the Report of the Committee on Conference on the disagreement of the two Houses on the Senate amendment to the bill, H. 66, said report being set out in the foregoing Report of the Committee on Conference.

Yeas 87; Nays 3.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan,

Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Laird, Layson, Letson, Lindsey, Maull, McAdory, McDaniel, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Parker (P), Parker (T), Payne, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Starkey, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, Warren, White and Willis.

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Nay:

Representatives McClammy, McMillan and Papucci.

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SPECIAL ORDER CALENDAR RESUMED

BUDGET ISOLATION RESOLUTION OFFERED

Representative Turnham offered the motion to adopt the Budget Isolation Resolution relating to the bill, H. 857.

TIME TO DEBATE EXPIRED

In accordance with the resolution, H.R. 387, the time to debate the bill, H. 857, and the pending Budget Isolation Resolution expired and the Speaker proceeded to the next bill on the Special Order Calendar.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Senators Lindsey, Dial, Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Davidson, Denton, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom:

S.J.R. 141. COMMENDING ROBBY AND APRIL ROBERSON OF MIDFIELD, ALABAMA, FOR OUTSTANDING CONTRIBUTIONS AND ACHIEVEMENT.

Also:

By Senator Sanders:

S.J.R. 142. COMMENDING DOROTHY F. COTTON FOR OUTSTANDING SERVICE AND ACHIEVEMENT.

McDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Black (M), the rules were suspended, and the House concurred in and adopted the resolution, S.J.R. 141, the title of which is set out in the foregoing Message from the Senate.

Also:

The resolution, S.J.R. 142, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

SPECIAL ORDER CALENDAR RESUMED

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Sims, the Budget Isolation Resolution relating to the bill, H. 584, was adopted.

Yeas 84; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Boyd, Burke, Carns, Carothers, Clark (W), Clouse, Collins, Curry, Dolbare, Drake, Dukes, Gaines, Galliher, Gaston, Gipson, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Papucci, Parker (T), Payne, Penry, Perdue, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Vance, Venable, Warren, Willis and Wren.

And the bill:

H. 584. (With Amendments): To amend Section 40-18-15, Code of Alabama 1975, to provide a deduction in state taxes for premiums paid for qualifying long-term care coverage; to provide requirements which a qualifying long-term care contract shall meet.

was taken up.

The question was then on the adoption of the amendment #1 reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

On page 2, line 21, delete the word "medical" and insert in lieu thereof: medicaid

SUBSTITUTE OFFERED

Representative Sims offered the following substitute to the bill, H. 584, and to the pending amendments reported by the Standing Committee on Ways and Means:

A BILL TO BE ENTITLED AN ACT

To amend Section 40-18-15, Code of Alabama 1975, to provide a deduction in state taxes for premiums paid for qualifying long-term care coverage; to provide requirements which a qualifying long-term care contract shall meet,; and to provide that any amounts of premium tax for long-term care shall be deposited into the Alabama Special Educational Trust Fund.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. For purposes of this act, "qualified long-term care services" includes care for necessary diagnostic, preventive, therapeutic, and rehabilitative services and maintenance or personal care services which are required by a chronically ill individual in a qualified facility or services which are provided pursuant to a plan of care prescribed by a licensed health care practitioner.

Section 2. (a) The premiums paid for a long-term care insurance contract are deductible pursuant to Section 40-18-15, if the contract meets the following requirements:

(1) Offers coverage only for qualified long-term care services and benefits incidental to the coverage.

(2) Guaranteed renewal.

(3) No cash surrender value.

(4) All refunds of premiums and all policyholder dividends or similar amounts under the contract are to be applied as a reduction in future premiums or to increase future benefits, except for a refund of premiums on surrender or cancellation of the policy.

(b) For purposes of this act, a long-term care insurance contract shall be treated as an accident or health insurance contract. The amount of coverage under the long-term care insurance contract shall be equal to or greater than Medicaid coverage for a period of at least three years.

(c) An insurance contract shall not fail to be treated as a long-term care contract by reason of the payments being made on a per diem or other periodic basis without regard to the expenses incurred during the period to which the payments relate.

(d) A long-term care insurance contract may cover Medicare reimbursable expenses where Medicare is a secondary payor.

(e) In the case of long-term care insurance coverage provided by a rider on a life insurance contract, this act shall apply as if the portion of the contract providing long-term care coverage was a separate contract.

(f) The deduction is available to the person or entity who pays the premiums.

Section 3. Any amounts of premium tax for long-term care coverage shall be deposited into the Alabama Special Educational Trust Fund.

Section 4. Section 40-18-15 of the Code of Alabama 1975, is amended to read as follows:

"§40-18-15.

"(a) In computing net income, no deduction shall be allowed for any cost required to be capitalized in accordance with 26 U.S.C. § 263A; otherwise, there shall be allowed as deductions:

"(1) All ordinary and necessary expenses paid or incurred during the taxable year in carrying on any trade or business, including a reasonable allowance for salaries or other compensation for personal services actually rendered and including rentals and other payments required to be made as a condition of the continued use or possession for the purpose of trade or business of property to which the taxpayer has not taken or is not taking title or in which he has no equity;

"(2) Certain interest paid or accrued within the taxable year on indebtedness, but, in the case of a nonresident, the proportion of such interest which the amount of gross income from sources within the State of Alabama bears to the amount of gross income from all sources within and without the State of Alabama. Beginning with all tax years or periods beginning after December 31, 1987, the interest deductions allowed in each of such tax years or periods shall be limited to the amount allowable as an interest deduction for federal income tax purposes in the corresponding tax year or period pursuant to the provisions of 26 U.S.C. § 163.

"(3) The following taxes paid or accrued within the taxable year:

"a. Income taxes, Federal Insurance Contribution Act taxes, taxes on self-employment income and estate and gift taxes imposed by authority of the United States or any possession of the United States; provided, that the amount of such taxes apportioned by a nonresident taxpayer shall be determined by the ratio that the amount of adjusted gross income received from sources within the State of Alabama bears to the amount of adjusted gross income received from sources within and without the State of Alabama.

"b. State and local, and foreign, occupational license taxes, and contributions to state unemployment funds.

"c. State and local, and foreign, real property taxes.

"d. State and local personal property taxes.

"e. The generation-skipping transfer (GST) tax imposed on income distributions by 26 U.S.C. § 2601.

"f. The taxes described in paragraphs c, d, and e shall be deductible only to the extent that such taxes are deductible for federal income tax purposes under 26 U.S.C. § 164 (relating to taxes) and in the case of nonresidents, these taxes shall be apportioned to Alabama by the ratio that the amount of adjusted gross income received from sources within the State of Alabama bears to the amount of adjusted gross income received from sources within and without the State of Alabama.

"g. In addition, there shall be allowed as a deduction, state and local, and foreign taxes, except income taxes, and taxes imposed by authority of the United States or any possession of the United States, which are paid or accrued within the taxable year in carrying on a trade or business or an activity described in 26 U.S.C. § 212 (relating to expenses for the production of income).

"h. Notwithstanding paragraph g, any tax described in any paragraph preceding paragraph g that is paid or accrued in connection with an acquisition or disposition of property shall be treated as part of the cost of the acquired property or, in the case of a disposition, as a reduction in the amount realized on the disposition of such property.

"(4) Losses sustained during the taxable year and not compensated for by insurance or otherwise if incurred in trade or business;_

"(5) Losses sustained during the taxable year and not compensated for by insurance or otherwise, if incurred in any transaction entered into for profit, though not connected with the trade or business; but, in the case of a taxpayer other than a resident of the state, only as to such transactions within the state;_

"(6) Casualty and theft losses sustained during the taxable year of property not connected with the conduct of a trade or business or a transaction entered into for profit as determined in accordance with subsections (c) (3) and (h) of 26 U.S.C. § 165. In the case of a nonresident, the deduction shall be allowed only for the losses arising from property located within the State of Alabama and the limitations in 26 U.S.C. § 165 shall be applied with regard only to the taxpayer's Alabama adjusted gross income. No loss shall be allowed if at the time of filing the return, such loss has been claimed on a federal estate tax return;_

"(7) Losses from debts ascertained to be worthless and charged off during the taxable year of such ascertainment, if sustained in the conduct of the regular trade or business of the taxpayer during the period covered by an Alabama income tax law;_

"(8) A reasonable allowance for the exhaustion, wear and tear of property from which any income is derived including a reasonable allowance for obsolescence;_

"(9) In the case of mines, oil, and gas wells, other natural deposits and timber, a reasonable allowance for depletion and for depreciation of improvements, according to the peculiar condition in each case based upon the cost, including the cost of development not otherwise deducted, such reasonable allowance in all cases to be made under rules and regulations to be prescribed by the department of revenue; and, in the case of leasehold interests, the deduction allowed by this section shall be equitably proportioned between the lessor and the lessee;_

"(10) Charitable contributions to the extent allowed for federal income tax purposes under 26 U.S.C. § 170 (relating to charitable contributions and gifts). In the case of a nonresident individual, this deduction shall be limited to the amount determined by multiplying the amount described in the previous sentence by a fraction, the numerator of which is the taxpayer's adjusted gross income from all sources within the State of Alabama and the denominator is the taxpayer's adjusted gross income from all sources;_

"(11) In the case of a resident individual, the deduction allowed such individual for federal income tax purposes by 26 U.S.C. § 219 (relating to retirement savings);_

"(12) The deduction allowed for federal income tax purposes by 26 U.S.C. § 404 (relating to qualified pension, profit sharing, stock bonus, and annuity plans); provided, however, that contributions to such plans on behalf of individuals who are employees within the meaning of 26 U.S.C. § 401(c)(1) (relating to self-employed individuals) shall be deductible only if such individuals are residents;_

"(13) For each individual income taxpayer, medical and dental expenses, including amounts paid for medicine and drugs and amounts paid for accident and health insurance, as determined in accordance with 26 U.S.C. § 213; provided, however, that the limitation of the deduction to the excess of such expenses over 7.5 percent of adjusted gross income as provided in said 26 U.S.C. § 213 shall instead be limited to the excess of such expenses over 4.0 percent of adjusted gross income;_

"(14) For each individual income taxpayer, the deduction determined in accordance with 26 U.S.C. § 212 for all the ordinary and necessary expenses paid or incurred during the taxable year for the production or collection of income, or for the management, conservation, or maintenance of property held for the production of income, or in connection with the determination, collection, or refund of any tax;_

"(15) Any expense not exceeding \$1,000 actually incurred during the taxable year in constructing on his property a family radioactive fallout shelter, as approved and certified by the State Department of Emergency Management, and any amount not exceeding \$1,000 which he contributed during the taxable year toward the construction of a community radioactive fallout shelter;_and_

"(16) a. An amount equal to the aggregate of the net operating loss carryovers to the taxable year, plus the net operating loss carrybacks to such year. For purposes of this subdivision, the term net operating loss deduction means the deduction allowed by this paragraph.

"b. A net operating loss for any taxable year ending after December 31, 1976, and before January 1, 1985, shall be a net operating loss carryover to each of the five taxable years following the taxable year of such loss. A net operating loss for any taxable year ending after December 31, 1984, shall be a net operating loss carryover to each of the 15 years following the taxable year of such loss.

"c. The entire amount of the net operating loss for any taxable year (hereinafter referred to as the loss year) shall be carried to the earliest of the taxable years to which, by reason of paragraph b, such loss may be carried. The portion of such loss which shall be carried to each of the other taxable years shall be the excess, if any, of the amount of such loss over the sum of the taxable income for each of the prior taxable years to which such loss may be carried. For purposes of the preceding sentence, the taxable income for any such prior taxable year shall be computed:

"1. With the modifications specified in paragraph f other than subparagraphs 1 and 3 thereof;_and_

"2. By determining the amount of the net operating loss deduction without regard to the net operating loss for the loss year or for any taxable year thereafter, and the taxable income so computed shall not be considered to be less than zero.

"d. Any taxpayer entitled to a carryback period under paragraph b may elect to relinquish the entire carryback period. Such election shall be made in such a manner as may be prescribed by the Department of Revenue, and shall be made by the due date, ~~(including extensions of time)~~, for filing the taxpayer's return for the taxable year of the net operating loss for which the election is to be in effect. Such election, once made for any taxable year, shall be irrevocable for that taxable year.

"e. For purposes of this subdivision, the term net operating loss means the excess of the deductions allowed by this chapter over the gross income. Such excess shall be computed with the modifications specified in paragraph f of this subdivision.

"f. The modifications referred to in this subdivision are as follows:

"1. No net operating loss deduction shall be allowed.

"2. No deduction shall be allowed under Sections 40-18-19(a)(8) and (9), and 40-18-19(b), ~~(relating to personal exemptions and credit for dependents)~~. No deductions in lieu of any such deduction shall be allowed.

"3. The deductions allowable by this chapter which are not attributable to a taxpayer's trade or business, including the federal individual income tax deduction, shall be allowed only to the extent of the amount of the gross income not derived from such trade or business. For purposes of the preceding sentence:

"(i) Any gain or loss from the sale or other disposition of property used in the trade or business of a character which is subject to the allowance for depreciation provided in subdivisions (8) and (9) of subsection (a), or real property used in the trade or business shall be treated as attributable to the trade or business;

"(ii) The modifications specified in subparagraphs 1 and 3 shall be taken into account;

"(iii) Any deduction allowable under Section 40-18-15(a)(6) (relating to casualty losses) shall not be taken into account; ~~and~~

"(iv) Any deduction allowed under Section 40-18-15(a)(12) to the extent attributable to contributions which are made on behalf of an individual who is an employee within the meaning of said 26 U.S.C. § 401(c)(1) (relating to self-employed individuals) shall not be treated as attributable to the trade or business of such individual.

"4. The optional standard deduction allowed under Section 40-18-15(b)(1) shall be treated as a deduction allowed by this chapter. For purposes of paragraph e:

"(i) The deduction provided by the preceding sentence shall be in lieu of any itemized deductions of the taxpayer, ~~and~~.

"(ii) Such sentence shall not apply to an individual who elects to itemize deductions.

"g. In determining the amount of any net operating loss carryback or carryover to any taxable year, the necessary computations involving any other taxable year shall be made under the law applicable to such other taxable year.

"(17) There shall be allowed to resident taxpayers a deduction from the taxpayer's adjusted gross income for state income tax purposes of the total cost of installation for conversion from gas or electricity to wood as the primary energy source for heating their individual domestic homes for the taxable year during which such conversion was completed.

"(18) For individual resident taxpayers, alimony and separate maintenance payments, the amount deductible to be the same as the amount deductible for federal income tax purposes under 26 U.S.C. § 215 (relating to alimony payments).

"(19) Moving expenses paid or incurred during the taxable year to the same extent that such expenses are deductible, except as provided herein, for federal income tax purposes under 26 U.S.C. § 217 (relating to moving expenses). The term new principal place of work, as such term is made relevant hereto by the federal statute, means and includes only places of work located within the State of Alabama, and the deduction for moving expenses provided for herein shall be allowable only in the event that such new principal place of work is located within the State of Alabama.

"(20) Any expense not exceeding \$35,000 actually incurred during the taxable year in removing from his property any architectural or transportation barriers to handicapped persons with nonambulatory and semiambulatory disabilities; provided, however, that any improvements resulting from such expense shall not be eligible to be capitalized for depreciation.

"(21) Notwithstanding subdivision (1), beginning with all tax years or periods beginning after December 31, 1987, the deduction for expenses of travel, entertainment, and meals shall be determined in accordance with 26 U.S.C. § 274.

"(22) The deduction allowed by 26 U.S.C. § 179 (relating to expensing certain depreciable property), provided that no deduction shall be allowed under subdivision (8) for any amount allowed as a deduction under this subdivision.

"(23) The deduction allowed by 26 U.S.C. § 195 (relating to amortization of start-up expenditures), but in the case of a nonresident, only if the principal place of business of the business investigated, created, or acquired is located in the State of Alabama.

"(24) The deduction allowed by subdivision (1), to the extent that it consists of unreimbursed employee business expenses, and the deduction allowed by subdivision (14), shall be allowed only to the extent that the aggregate of such deductions exceeds 2 percent of adjusted gross income.

"(25) For resident individual taxpayers, the reasonable medical and legal expenses paid or incurred by the taxpayer in connection with the adoption of a minor. For purposes of this subdivision, medical expenses shall include any medical and hospital expenses of the adoptee and the adoptee's biological mother which are incident to the adoptee's birth and subsequent medical care and which, in the case of the adoptee, are paid or incurred before the petition is granted.

"(26) The amount of any aid or assistance, whether in the form of property, services, or monies, provided to the State Industrial Development Authority pursuant to [Section 41-10-44.8(d)] in order to induce an approved company to undertake a major project within the state.

"(27) The amount of premiums paid pursuant to a qualifying insurance contract for qualified long-term care coverage.

"(b)(1) In lieu of the deductions allowable to individual taxpayers, as provided in subdivision (1) to the extent of unreimbursed employee business expenses, and as provided in subdivisions (2), (3), (5), (6), (10), (13), (14), (17), and (19) of subsection (a) of this section, for the taxable years beginning on and after January 1, 1982, at the election of the taxpayer required to use the rate schedule in subdivision (1) of Section 40-18-5, an optional standard deduction may be taken not to exceed 20 percent of the adjusted gross income or \$2,000, whichever is the lesser, and at the election of the taxpayer required to use the rate schedule in subdivision (2) of Section 40-18-5, an optional standard deduction may be taken not to exceed 20 percent of the adjusted gross income or \$4,000, whichever is the lesser and, in addition to said deduction, a deduction for the amount of federal income tax paid or accrued within the taxable year; provided, that in the case of a nonresident taxpayer the deduction for the optional standard deduction shall be an amount equal to the optional standard deduction that would be allowable if the taxpayer were a resident taxpayer, multiplied by the ratio that the amount of adjusted gross income received from sources within the State of Alabama bears to the amount of adjusted gross income received from sources within and without the State of Alabama; and the amount of federal income tax so deductible to Alabama shall be determined by the ratio that the amount of adjusted gross income received from sources within the State of Alabama bears to the amount of adjusted gross income received from sources within and without the State of Alabama.

"(2) If separate returns are filed by husband and wife and one spouse elects to claim the deduction allowed herein, the election to claim such deduction will be denied unless the other spouse also elects to claim the deduction allowed herein.

"(c) The term adjusted gross income, as used in this section, shall mean the gross income as defined by Section 40-18-14, less:

"(1) The deductions allowed in this section which are attributable to a trade or business carried on by the taxpayer if such trade or business does not consist of the performance of services by the taxpayer as an employee;_

"(2) Travel expenses while away from home in the pursuit of a trade or business if such trade or business does not consist of the performance of services by the taxpayer as an employee;_

"(3) The deductions allowed by this section which consist of expenses paid or incurred by the taxpayer in connection with the performance by him of services as an employee, to the extent reimbursed by his employer;_

"(4) The deductions, other than those provided in subdivisions (1), (5) and (6) of subsection (a) allowed by this section and which are attributable to property held for the production of rents or royalties;_

"(5) The deductions, other than those provided in subdivision (1) of this subsection, for depreciation and depletion, allowed by subdivisions (8) and (9) of subsection (a) of this section to a life tenant of property or to an income beneficiary of property held in trust;_

"(6) The deduction, other than those provided in subdivision (1) of this subsection, allowed by Section 40-18-8 as losses from the sale or exchange of property;_and_

"(7) The deduction allowed by subdivision (25) of subsection (a) of this section (relating to adoption expenses).

"(d) In the case of a nonresident individual, the deductions allowed in subdivisions (1), (4), (5), (7), (8), (9) and (17) of subsection (a) of this section shall be allowed only if and to the extent that they are connected with income arising from a source within the State of Alabama, and a proper apportionment or allocation of the deductions with respect to sources of income within and without the State of Alabama shall be determined under rules and regulations prescribed by the Department of Revenue."

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 88; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Boyd, Burke, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Vance, Venable, Warren, White and Willis.

-88

And the bill:

H. 584. To amend Section 40-18-15, Code of Alabama 1975, to provide a deduction in state taxes for premiums paid for qualifying long-term care coverage; to provide requirements which a qualifying long-term care contract shall meet,; and to provide that any amounts of premium tax for long-term care shall be deposited into the Alabama Special Educational Trust Fund.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 83; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (M), Boyd, Burke, Carns, Carothers, Clouse, Collins, Curry, Dean, Dolbare, Drake, Dukes, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Vance, Venable, Warren, White, Willis and Wren.

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CO-SPONSORS ADDED

The following were added as co-sponsors to the bill, H. 584, as amended:

Representatives Baker, Black (M), Boyd, Burke, Buskey, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hamilton, Hammett, Haney, Hawk, Hayden, Hill, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Jorgensen, Kennedy, Knight (A), Knight (J), Letson, Lindsey, McAdory, McClammy, McDaniel, McMillan, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Papucci, Penry, Perdue, Reed, Rogers (J), Rogers (M), Sanderford, Sanderson, Spratt, Starkey, Thomas (D), Vance, Venable and Willis.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative McKee, the Budget Isolation Resolution relating to the bill, H. 927, was adopted.

Yeas 94; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Vance, Venable, Warren, Willis and Wren.

-94

And the bill:

H. 927. (With Amendment): To provide that a person who devises a scheme to defraud another person and communicates in any way in furtherance of this scheme is guilty of fraud; to provide that the person would be guilty of a Class A misdemeanor, a Class C felony, or a Class B felony depending upon the value of the property, money, or thing; to provide that reliance is not a necessary element of the offense; and to provide a penalty.

was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Judiciary, said committee amendment being as follows:

Amend H. 927, Section 1, Page 2, Line 16, after the word "PROPERTY." by striking the word ~~Anything~~ and inserting in lieu thereof the following language: A thing

Further amend H. 927, Section 1, Page 2, Line 16, after the word "including" by adding the following language: but not limited to

Further amend H. 927, Section 1, Page 2, by striking Lines 18 through 22 in their entirety and inserting in lieu thereof the following language:

a. Real property, including but not limited to, things growing on, affixed to or found in land.

b. Tangible or intangible personal property, including but not limited to, rights, privileges, interests, or claims to tangible or intangible personal property.

Further amend H. 927, Section 2, Page 3, Line 7, after the word "obtained" by inserting the following language: is unascertainable or the value

Further amend H. 927, Section 2, Page 3, Line 10, after the word "obtained" by striking the following language: ~~is unascertainable or the value~~

Further amend H. 927, Section 3, Page 3, Line 19, after the word "laws." by striking the remainder of the section.

Further amend H. 927, Page 3, Lines 23 through 24 by striking Section 4 in its entirety and renumbering subsequent sections accordingly.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 92; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Ford, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne,

Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (J), Townsend, Vance, Venable, Warren, Willis and Wren.

-92

And the bill:

H. 927. To provide that a person who devises a scheme to defraud another person and communicates in any way in furtherance of this scheme is guilty of fraud; to provide that the person would be guilty of a Class A misdemeanor, a Class C felony, or a Class B felony depending upon the value of the property, money, or thing; to provide that reliance is not a necessary element of the offense; and to provide a penalty.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 90; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Hall (A), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hilliard, Hinshaw, Hogan, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Seibenhener, Sims, Smith, Starkey, Thomas (D), Thomas (J), Townsend, Vance, Venable, Warren, Willis and Wren.

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PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative Guin intended to vote "Yea" on passage of the bill, H. 927, as amended.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Clouse, the Budget Isolation Resolution relating to the bill, H. 797, was adopted.

Yeas 95; Nays 1.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Vance, Venable, Warren, White, Willis and Wren.

-95

Nay:

Representative McMillan.

- 1

And the bill:

H. 797. (With Amendment): To amend Section 34-30-22, Code of Alabama 1975, to provide for the qualifications for a licensed bachelor social worker.

was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on State Administration, said committee amendment being as follows:

On page 3, line 14, strike the following language:

"For a period of one year from June 1,"

On page 3, line 14, insert the following: Until March 1, 1996

On page 3, line 15, delete the following: "1995"

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 96; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Papucci, Parker (P), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-96

And the bill:

H. 797. To amend Section 34-30-22, Code of Alabama 1975, to provide for the qualifications for a licensed bachelor social worker.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 94; Nays 1.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Maull, McAdory, McClammy, McDaniel, McKee, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Papucci, Parker (P), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-94

Nay:

Representative McMillan.

- 1

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Hinshaw, the Budget Isolation Resolution relating to the bill, H. 935, was adopted.

Yeas 93; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Page, Papucci, Parker (P), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-93

And the bill:

H. 935. (With Substitute): To provide for the Alabama Bill of Rights Act for persons with developmental disabilities and traumatic brain injury.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Health, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To provide for the Alabama Bill of Rights Act for persons with developmental disabilities and traumatic brain injury.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The act shall be known and may be cited as "The Alabama Bill of Rights for Persons with Developmental Disabilities and Traumatic Brain Injury."

Section 2. The Legislature finds that services to persons with developmental disabilities and traumatic brain injury must be based on individual need, provided by appropriately qualified individuals, and available to persons with develop-

mental disabilities in community environments. Services should be provided in a way which is normalizing as well as respectful of the rights, feelings, and responsibilities of each person with a disability. Services should also focus on enabling individuals to maintain responsibility for setting their own goals, directing their own lives, and acting responsibly as members of their community. Persons who have disabilities shall not be deprived of any right, benefit, or privilege guaranteed by law, the Constitution of Alabama of 1901, or the Constitution of the United States without due process of law.

Section 3. As used in this act, the following words shall have the following meanings:

(1) **DEVELOPMENTAL DISABILITY.** A disability that includes the following items:

a. Is attributable to a mental, cognitive, or physical impairment, or any combination of mental, cognitive, and physical impairments.

b. Is manifested before the individual attains age 22 except in cases of traumatic brain injury when age is not a variable.

c. Is likely to continue indefinitely.

d. Results in substantial functional limitations in three or more of the following areas of major life activities:

(i) Self-care.

(ii) Receptive and expressive language.

(iii) Learning.

(iv) Mobility.

(v) Self-direction.

(vi) Capacity for independent living.

(vii) Gainful employment.

(2) **TRAUMATIC BRAIN INJURY.** An injury to the brain, not of degenerative or congenital nature but caused by an external physical force, that may produce a diminished or altered state of consciousness, which results in impairment of cognitive abilities or physical functioning.

(3) **PROVIDER.** Any agency, corporation, or individual who provides services to persons with developmental disabilities and/or traumatic brain injury, provided, that this act shall only apply to physicians licensed to practice medicine to the extent that medical services to individuals covered by the act must be provided in accordance with established standards of medical care.

Section 4. The rights of persons with developmental disabilities and traumatic brain injury include, but are not limited to, all of the following:

(1) The right to exercise the rights of citizens of the United States and the State of Alabama.

(2) The right to access a full array of services appropriate for them as individuals.

(3) The right to inclusion in the community.

(4) The right to live, work, be educated, and recreate with people who do not have disabilities.

(5) The right to be presumed competent until a court of competent jurisdiction determines otherwise.

(6) The right to social interaction with members of either sex.

(7) The right to vote and otherwise participate in the political process according to applicable laws of the United States and the State of Alabama.

(8) The right to free exercise of religion.

(9) The right to confidential handling of personal, financial, and medical records.

(10) The right to own and possess real and personal property.

(11) The right to privacy and dignity.

(12) The right to reasonable access to and privacy of mail, telephone, communications, and visitors.

(13) The right to receive only those drugs and medications which are prescribed in accordance with established standards of medical care.

(14) The right to have physical and chemical restraints used only in accordance with established standards of medical, social, and educational care, taking into consideration the health status of the individual.

(15) The right to a free and appropriate public education as set forth in the laws of the State of Alabama.

(16) The right to be free from abuse, exploitation, or neglect.

(17) The right to make decisions that affect their lives.

(18) The right to access general services in their community and local neighborhood.

(19) The right to use services in a safe and humane environment.

(20) The right to be accorded human respect and dignity on an individual basis in a consistently humane fashion.

(21) The right to exercise rights without reprisal.

(22) The right to access dental and medical care, including vision and hearing services.

(23) The right to be free from any physical, verbal, sexual, or psychological abuse, exploitation, coercion, reprisal, intimidation, or neglect.

(24) The right to be fully informed, on an individual basis, concerning services provided, with information presented in a setting and in language appropriate to the person's ability to understand.

(25) The right to be informed specifically of the procedures for initiating a complaint or grievance procedure and the applicable appeals process, including the means of requesting a hearing or review of the complaint.

(26) The right to be informed of the means for accessing advocates, ombudsmen, or rights protection services within the program and, as applicable, the State of Alabama Mental Health System, the Department of Human Resources, the federal advocacy system, and other advocacy services. Such access must be allowed without fear of reprisal.

(27) The right to adequate food and shelter in residential programs operated or certified by regulatory agencies of the State of Alabama.

(28) The right to enforce these rights in a court of competent jurisdiction or appropriate administrative proceeding on an individual basis.

Section 5. All providers who contract or subcontract with any federal, state, or local agency or program to provide services in the State of Alabama to persons with developmental disabilities or traumatic brain injury in Alabama shall develop and implement written policies and procedures to ensure the rights enumerated above are observed by the provider in discharging its contractual or subcontractual duties and responsibilities. At a minimum, these policies and procedures shall provide for the following:

(1) Affirm and safeguard the rights stated in this act.

(2) Provide that prompt, reasonable action be taken to prevent the potential for further abuse while an investigation is in process.

(3) Provide for a prompt and thorough investigation of all allegations of abuse, exploitation, or neglect by trained, experienced personnel delegated with all necessary authority.

(4) Provide that the results of all investigations shall be reported to the administrators of the program or his or her designated representative on an interim basis during the course of the investigation and within 72 hours of completion of the investigation.

(5) Establish corrective action, including education and training for a provider-affiliated individual who has been found responsible for violations of rights herein enumerated. Criminal violations shall be reported to the Office of the Attorney General, State of Alabama, or the local district attorney for consideration of further legal action.

(6) Prohibit the employment of individuals known to the provider to have a conviction of child, elder, patient, or resident abuse, exploitation, or neglect in any job involving care or services for people with developmental disabilities or traumatic brain injuries.

(7) Provide training and informational materials on rights and on the prevention of abuse, exploitation, and neglect for administrators, professionals, direct-care staff, and volunteers. Each new staff member shall demonstrate working knowledge of this information. When possible, ongoing training shall be provided.

Section 6. This act shall not override or repeal any provisions of the Adult Protective Services Act pursuant to Section 38-9-1 et seq., Code of Alabama 1975, or the Child Abuse Reporting Act pursuant to Section 26-14-1 et seq., Code of Alabama 1975, and shall be read in para materia with those provisions.

Section 7. This act shall not be interpreted or construed to alter, expand, or diminish established standards of medical care applicable to physicians licensed to practice medicine. Notwithstanding any provision of this act to the contrary, the requirement to develop and implement written policies and procedures as outlined in Section 5 of this act shall not apply to the private offices of physicians licensed to practice medicine.

Section 8. If any section of this act or any part of any section shall be declared invalid or unconstitutional, such declaration shall not affect the validity or constitutionality of the remaining portions thereof.

Section 9. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 98; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Millican, Minnifield, Mitchell, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-98

And the bill:

H. 935. To provide for the Alabama Bill of Rights Act for persons with developmental disabilities and traumatic brain injury.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 94; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Box, Boyd, Burke, Buskey, Carns, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-94

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Hamilton, the Budget Isolation Resolution relating to the bill, H. 301, was adopted.

Yeas 95; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Vance, Venable, Warren, White, Willis and Wren.

-95

And the bill:

H. 301. To amend Section 40-23-5 of the Code of Alabama 1975, to exempt rescue units from state, county, and municipal sales and use taxes.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 95; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Vance, Venable, Warren, White, Willis and Wren.

-95

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative McDaniel, the Budget Isolation Resolution relating to the bill, H. 578, was adopted.

Yeas 89; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clouse, Collins, Curry, Dean, Dolbare, Drake, Dukes, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (J), Sanderson, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Vance, Venable, Warren, White, Willis and Wren.

-89

And the bill:

H. 578. To amend Section 40-12-264, Code of Alabama 1975, relating to the issuance of dealer license plates; to allow a licensed motor vehicle wholesaler who is also licensed as a motor vehicle dealer to obtain dealer plates based on combined retail and wholesale sales of motor vehicles.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 96; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Vance, Venable, Warren, White, Willis and Wren.

-96

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Payne, the Budget Isolation Resolution relating to the bill, H. 853, was adopted.

Yeas 76; Nays 7.

Yea:

Mr. Speaker, Allen, Bandy, Box, Burke, Buskey, Carns, Carothers, Clark (W), Collins, Crigler, Curry, Dean, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Maull, McAdory, McClammy, Melton, Millican, Minnifield, Morrison, Morton, Murphree, Newton (C), Page, Papucci, Parker (T), Payne, Perdue, Petelos, Reed, Rogers (J), Rogers (M), Sanderford, Sanderson, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, Warren, White and Willis.

-76

Nay:

Representatives Dolbare, Gipson, Morrow, Penry, Pringle, Seibenhener and Turner.

- 7

And the bill:

H. 853. (With Substitute) (With Amendment): To make a conditional appropriation from the Alabama Special Educational Trust Fund in the State Treasury to the Postsecondary Education Equity Fund of an amount up to six million dollars (\$6,000,000) for the fiscal year ending September 30, 1995.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means, said committee substitute being as follows:

**A BILL
TO BE ENTITLED
AN ACT**

To make a conditional appropriation from the Alabama Special Educational Trust Fund in the State Treasury to the Postsecondary Education Equity Fund of an amount up to six million dollars (\$6,000,000) for the fiscal year ending September 30, 1995.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The sum of up to six million dollars (\$6,000,000) is conditionally appropriated for the fiscal year ending September 30, 1995, from the Alabama Special Educational Trust Fund in the State Treasury to the Postsecondary Education Equity Fund which is created by this act. The Governor shall allocate the appropriation based on recommendations from the Chancellor of Postsecondary Education. Past priorities shall not be utilized in making the distribution. The appropriation made in this act is conditioned upon the availability of funds in the Alabama Special Educational Trust Fund, the recommendation of the Director of Finance, and the approval of the Governor.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 77; Nays 8.

Yea:

Mr. Speaker, Allen, Bandy, Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Collins, Crigler, Curry, Dean, Dukes, Flowers, Ford, Fuller, Galliher, Gaston, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, Melton, Millican, Minnifield, Morton, Murphree, Newton (C), Page, Papucci, Parker (T), Payne, Perdue, Petelos, Reed, Rogers (J), Rogers (M), Sanderford, Sanderson, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, Warren, White and Willis.

-77

Nay:

Representatives Dolbare, Gaines, Gipson, Morrow, Penry, Pringle, Sims and Turner.

- 8

The question was then on the adoption of the amendment reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

Amend H. 853 As Substituted on Page 1, lines 11 and 19, on Page 2, line 1 by striking the word "Equity" and inserting "Special".

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 80; Nays 5.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Collins, Crigler, Curry, Dean, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McMillan, Melton, Millican, Minnifield, Morrison, Morton, Murphree, Newton (C), Page, Papucci, Parker (T), Payne, Perdue, Petelos, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, Warren, White and Willis.

-80

Nay:

Representatives Dolbare, Morrow, Penry, Pringle and Turner.

- 5

And the bill:

H. 853. To make a conditional appropriation from the Alabama Special Educational Trust Fund in the State Treasury to the Postsecondary Education Special Fund of an amount up to six million dollars (\$6,000,000) for the fiscal year ending September 30, 1995.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 79; Nays 9.

Yea:

Mr. Speaker, Allen, Bandy, Black (M), Box, Burke, Buskey, Carns, Carothers, Clark (W), Collins, Crigler, Curry, Dean, Dukes, Flowers, Ford, Fuller, Galliher, Gaston, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Morrison, Morton, Murphree, Papucci, Parker (T), Payne, Perdue, Petelos, Reed, Rogers (J), Rogers (M), Sanderford, Sanderson, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, Warren, White and Willis.

-79

Nay:

Representatives Dolbare, Gaines, Gipson, Morrow, Penry, Pringle, Seibenhener, Sims and Turner.

- 9

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Hooper, the Budget Isolation Resolution relating to the bill, H. 738, was adopted.

Yeas 88; Nays 0.

Yea:

Mr. Speaker, Baker, Bandy, Black (M), Box, Boyd, Burke, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Papucci, Parker (T), Payne, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-88

And the bill:

H. 738. To amend Section 36-29-14 of the Code of Alabama 1975, relating to the state employees' health insurance plan, and providing procedures for the officers, employees, and retirees of the Alabama Retired State Employees' Association to be covered under the plan; and to provide additional requirements for entities withdrawing from participation.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 94; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare,

Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, McAdory, McClammy, McDaniel, McKee, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-94

H. 152 TAKEN UP

And the bill:

H. 152. To provide for a statewide voter file maintenance process; to provide that the state shall pay certain costs associated with the process; and to provide for certain supplemental effect.

was taken up.

SUBSTITUTE OFFERED

Representative Box offered the following substitute to the bill, H. 152:

A BILL TO BE ENTITLED AN ACT

To provide for a statewide voter file maintenance process; to provide that the state shall pay certain costs associated with the process; and to provide for certain supplemental effect.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The county boards of registrars throughout the state shall use the voter file maintenance process prescribed in this act in lieu of any voter list purge procedures heretofore provided by law except where the purge procedures are necessary to remove from a list of registered voters the names of voters who are deceased, voters convicted of disqualifying crimes, and voters adjudged as mentally incompetent by a court of competent jurisdiction. Publication of the names of registered voters pursuant to Chapter 4 of Title 17 of the Code of Alabama 1975, is no longer required in any newspaper. Notwithstanding the foregoing, the list may be published at county expense at the discretion of the county commission on recommendation of the judge of probate.

Section 2. (a) Beginning in January, 1996, and each year thereafter during the month of January, the county boards of registrars shall conduct voter list maintenance activities in lieu of the purge activities which were heretofore conducted in the month of August.

(b) Beginning in January, 1997, and in January of every fourth year thereafter, the boards of registrars shall mail a nonforwardable notice to all registered voters in the county. The notice shall be designed and provided for the boards of registrars by the Secretary of State. The notice shall be sent on a postcard providing general information on elections. The notice shall be mailed to the last known address of the voter appearing on the voter registration list. If the notice is returned to the boards of registrars indicating that the voter may have relocated, the board shall send a forwardable notice to the registered voter on which the voter may confirm his or her current address. The forwardable notice shall be mailed no later than 90 days after receipt of the returned nonforwardable notice. The boards of registrars shall record and maintain the dates on which the nonforwardable notice was returned to the board and the date on which the forwardable notice was mailed to the registered voter.

(c) The boards of registrars shall update the voter list for the county using the information reported to the board by the registered voters on the address confirmation cards provided for in subsection (b). If the registered voter does not respond to the forwardable notice on which the registered voter may confirm his or her address within 90 days of the date on which the notice was mailed or if the forwardable notice is returned to the board as undeliverable, the boards of registrars shall place the name of the registered voter on the inactive list of registered voters and in a suspense file in the office of the board. The suspense file shall contain all of the following information:

- (1) The name of the registered voter.
- (2) The last known address of the registered voter.
- (3) The social security number or other personal identification number of the registered voter.
- (4) The date on which the name of the registered voter was placed in the suspense file. The name of a registered voter who does not vote or appear to vote in one of the next two federal elections held after his or her name is placed in the suspense file shall be removed from the voter list.

(d) The names of persons to be removed from the list of registered voters shall be listed by precinct and in alphabetical order and published in a newspaper of general circulation in the county once a week for two consecutive weeks in November or December of each year commencing in November 1996.

Section 3. The state shall reimburse each county boards of registrars for one-half of all postage costs associated with voter list maintenance activities

provided for in this act. The reimbursement shall be made from the Election Expenses Account in the state treasury upon approval by the Secretary of State on warrants drawn by the State Comptroller.

Section 4. The judge of probate shall have access to and be provided with the current list of registered voters within his or her county at no cost within seven days after making the request. If computer access to the list of registered voters is available, upon request for access, the judge of probate shall be provided with immediate on-line availability to the list. No agency, department, or office of the State of Alabama shall pay any cost associated with making computer access to a list of registered voters available to a judge of probate under this section.

Section 5. This act shall be cumulative and supplemental to Act 84-389 now appearing as Article 7, Chapter 4 of Title 17 of the Code of Alabama 1975. Except as provided in Section 2(a) and (b) of this act, this act shall not amend, repeal, or supersede Act 84-389 now appearing as Article 7, Chapter 4 of Title 17 of the Code of Alabama 1975.

Section 6. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 7. This act, upon its passage and approval by the Governor, or upon its otherwise becoming a law, shall become effective January 1, 1996.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 77; Nays 3.

Yea:

Mr. Speaker, Allen, Box, Boyd, Burke, Carns, Carothers, Curry, Dean, Dolbare, Dukes, Flowers, Fuller, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McMillan, Melton, Millican, Minnifield, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (M), Seibenhener, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Vance, Venable, Warren, White, Willis and Wren.

-77

Nay:

Representatives Hawk, Hilliard and Sanderson.

AMENDMENT OFFERED

Representative Hill offered the following amendment to the bill, H. 152, as amended:

Amend H. 152 on page 2, Section 1, line 9 by striking after the word jurisdiction, the following: the remainder of Section 1

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 61; Nays 17.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Boyd, Burke, Buskey, Carns, Clark (W), Collins, Dolbare, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hill, Hilliard, Hogan, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (J), McAdory, McClammy, McDaniel, Melton, Minnifield, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Payne, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sims, Smith, Spratt, Thomas (J), Townsend, Vance, Venable, Warren and Willis.

-61

Nay:

Representatives Box, Carothers, Curry, Dean, Hamilton, Knight (A), Layson, Letson, McKee, Millican, Papucci, Perdue, Petelos, Pringle, Seibenhener, Turner and White.

-17

And the bill:

H. 152. To provide for a statewide voter file maintenance process; to provide that the state shall pay certain costs associated with the process; and to provide for certain supplemental effect.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 79; Nays 3.

Yea:

Mr. Speaker, Allen, Box, Boyd, Burke, Buskey, Carns, Clark (W), Crigler, Dean, Dukes, Fuller, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L),

Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Letson, Lindsey, Maul, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Rogers (M), Sanderford, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Vance, Venable, Warren, White, Willis and Wren.

-79

Nay:

Representatives Baker, Dolbare and Rogers (J).

- 3

H. 194 AGAIN TAKEN UP

And the bill, H. 194, and the pending substitute and amendment offered by Representative Box which previously were temporarily carried over were again taken up.

MOTION TO ADJOURN LOST

The motion offered by Representative Perdue that the House adjourn until 1:00 o'clock p.m., Monday, July 24, 1995, was lost.

Yeas 27; Nays 56.

Yea:

Representatives Baker, Bandy, Black (L), Boyd, Buskey, Clark (W), Dolbare, Drake, Fuller, Graham, Hayden, Hilliard, Houston, Jackson, Kennedy, Knight (J), Maul, McAdory, McClammy, Minnifield, Mitchell, Newton (C), Perdue, Rogers (J), Starkey, Thomas (J) and Warren.

-27

Nay:

Mr. Speaker, Allen, Box, Burke, Carns, Carothers, Clouse, Collins, Curry, Dean, Dukes, Gaines, Gaston, Gipson, Guin, Haney, Hawk, Hawkins, Hill, Hogan, Hooper, Johnson (R), Jorgensen, Knight (A), Laird, Letson, Lindsey, McDaniel, McKee, McMillan, Melton, Millican, Moore, Morrison, Murphree, Papucci, Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Townsend, Turner, Vance, White, Willis and Wren.

-56

H. 194 RESUMED**MOTION IN WRITING OFFERED**

Representative Sims offered the following Motion in Writing relating to the bill, H. 194:

I move the previous question.

MOTION IN WRITING ADOPTED

And the Motion in Writing was adopted.

Yeas 49; Nays 30.

Yea:

Representatives Allen, Box, Burke, Carns, Carothers, Clouse, Dean, Dolbare, Dukes, Ford, Gaines, Galliher, Gaston, Gipson, Hamilton, Haney, Hawkins, Hill, Hinshaw, Hooper, Jorgensen, Knight (A), Laird, Layson, Lindsey, McKee, McMillan, Millican, Moore, Morrison, Morton, Murphree, Newton (C), Papucci, Payne, Penry, Pringle, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Thomas (D), Townsend, Turner, White, Willis and Wren.

-49

Nay:

Representatives Bandy, Boyd, Buskey, Clark (W), Drake, Fuller, Graham, Guin, Hall (A), Hall (L), Hawk, Hayden, Hilliard, Hogan, Houston, Jackson, Johnson (E), Kennedy, Knight (J), Maull, McAdory, McClammy, Minnifield, Mitchell, Perdue, Robinson, Rogers (J), Spratt, Thomas (J) and Warren.

-30

SUBSTITUTE ADOPTED

The question was then on the adoption of the substitute offered by Representative Box to the bill, H. 194, and to the pending amendment offered by him, and the substitute was adopted.

Yeas 63; Nays 24.

Yea:

Mr. Speaker, Allen, Black (M), Box, Burke, Carns, Carothers, Clouse,

Collins, Curry, Dean, Drake, Dukes, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Hall (A), Hamilton, Hammett, Haney, Hawkins, Hill, Hinshaw, Hogan, Hooper, Jorgensen, Knight (A), Laird, Layson, Letson, Lindsey, McDaniel, McMillan, Millican, Morrison, Morrow, Morton, Murphree, Newton (C), Papucci, Parker (T), Payne, Penry, Petelos, Pringle, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, White and Willis.

-63

Nay:

Representatives Bandy, Boyd, Buskey, Clark (W), Dolbare, Guin, Hall (L), Hawk, Hayden, Hilliard, Houston, Jackson, Kennedy, Knight (J), McAdory, McClammy, Melton, Minnifield, Mitchell, Perdue, Robinson, Rogers (J), Spratt and Thomas (J).

-24

And the bill:

H. 194. To require successful candidates for justice and judge of the appellate courts and circuit and district courts to file certain disclosure statements of contributions received; to provide for the disclosure of subsequent contributions; to provide for the acceptance of contributions from political action committees; to require certain parties and attorneys to file disclosure statements of contributions; to provide for a procedure for the disqualification of a judicial officer; and to prescribe penalties for failure to file the statements.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 61; Nays 28.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Box, Burke, Carns, Clouse, Collins, Curry, Dean, Drake, Dukes, Flowers, Ford, Gaines, Gaston, Gipson, Graham, Hall (A), Hamilton, Hammett, Haney, Hawkins, Hill, Hinshaw, Hooper, Knight (A), Laird, Layson, Letson, Lindsey, McDaniel, McKee, McMillan, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Papucci, Payne, Penry, Petelos, Pringle, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, White and Wren.

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Nay:

Representatives Bandy, Boyd, Buskey, Clark (W), Dolbare, Galliher, Guin, Hall (L), Hawk, Hayden, Hilliard, Hogan, Houston, Jackson, Kennedy, Knight (J), Maull, McAdory, McClammy, Melton, Minnifield, Mitchell, Perdue, Robinson, Rogers (J), Spratt, Thomas (J) and Willis.

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**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 462. To provide for the enactment of the Safe Streets Act of 1995; to provide for notice to the public of the act; to require the Department of Public Safety to notify a person by certified mail of the seizure and forfeiture of his or her motor vehicle, and include with the notice a demand for surrender of the license within a time certain; to provide certain exemptions; and to provide for seizure and forfeiture of a motor vehicle driven by a person who is driving while his or her driver's license or driving privilege has been cancelled, suspended, or revoked.

TOMMY CARTER
Chairman

And the bill, H. 462, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 720. To amend Section 36-12-40, Code of Alabama 1975, to allow access to certain files of public employees.

TOMMY CARTER
Chairman

And the bill, H. 720, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 935. To provide for the Alabama Bill of Rights Act for persons with developmental disabilities and traumatic brain injury.

TOMMY CARTER
Chairman

And the bill, H. 935, as engrossed, was ordered sent to the Senate.

SPECIAL ORDER CALENDAR RESUMED

BUDGET ISOLATION RESOLUTION OFFERED

Representative Wren offered the motion to adopt the Budget Isolation Resolution relating to the bill, H. 393.

TIME TO DEBATE EXPIRED

In accordance with the resolution, H.R. 387, the time to debate the bill, H. 393, and the pending Budget Isolation Resolution expired and the Speaker proceeded to the next bill on the Special Order Calendar.

PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative Smith intended to vote "Yea" on passage of the bill, H. 194, as amended.

MOTION TO ADJOURN LOST

The motion offered by Representative Minnifield that the House adjourn until 1:00 o'clock p.m., Monday, July 24, 1995, was lost.

Yeas 23; Nays 63.

Yea:

Representatives Bandy, Boyd, Buskey, Clark (W), Drake, Galliher, Hall (L), Hayden, Houston, Knight (J), Layson, Maull, McAdory, McClammy, Minnifield, Newton (C), Parker (T), Perdue, Rogers (J), Spratt, Thomas (J), Warren and White.

Nay:

Mr. Speaker, Allen, Black (M), Box, Burke, Carns, Carothers, Clouse, Collins, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawk, Hawkins, Hill, Hogan, Hooper, Johnson (R), Jorgensen, Knight (A), Letson, Lindsey, McDaniel, McKee, McMillan, Melton, Millican, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Papucci, Payne, Penry, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Sanderson, Sims, Smith, Thomas (D), Townsend, Turner, Turnham, Vance, Venable and Wren.

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SPECIAL ORDER CALENDAR RESUMED

BUDGET ISOLATION RESOLUTION OFFERED

Representative McDaniel offered the motion to adopt the Budget Isolation Resolution relating to the bill, H. 200.

MOTION TO ADJOURN LOST

The motion offered by Representative White that the House adjourn until 1:00 o'clock p.m., Monday, July 24, 1995, was lost.

Yeas 22; Nays 60.

Yea:

Representatives Bandy, Black (L), Boyd, Buskey, Clark (W), Dolbare, Drake, Hall (L), Hayden, Houston, Jackson, Kennedy, Knight (J), Laird, Maull, McAdory, McClammy, Minnifield, Perdue, Thomas (J), Warren and White.

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Nay:

Mr. Speaker, Allen, Box, Burke, Carns, Clouse, Collins, Curry, Dean, Dukes, Ford, Gaines, Galliher, Gaston, Guin, Hall (A), Hamilton, Hammett, Haney, Hawk, Hawkins, Hill, Hilliard, Hogan, Hooper, Johnson (R), Jorgensen, Knight (A), Layson, Letson, Lindsey, McDaniel, McKee, McMillan, Melton, Millican, Moore, Morrison, Morrow, Morton, Murphree, Papucci, Payne, Penry, Pringle, Reed, Robinson, Rogers (J), Sanderford, Sanderson, Sims, Smith, Spratt, Thomas (D), Townsend, Turner, Vance, Venable, Willis and Wren.

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SPECIAL ORDER CALENDAR RESUMED

The question was then on the adoption of the Budget Isolation Resolution offered by Representative McDaniel to the bill, H. 200.

TIME TO DEBATE EXPIRED

In accordance with the resolution, H.R. 387, the time to debate the bill, H. 200, and the pending Budget Isolation Resolution expired and the Speaker proceeded to the next bill on the Special Order Calendar.

MOTION TO SUSPEND RULES LOST

The motion offered by Representative Wren to suspend the rules in order to take up out of order the bill, H. 393, and the pending Budget Isolation Resolution offered by him was lost, lacking a four-fifths vote.

Yeas 67; Nays 22.

Yea:

Representatives Allen, Baker, Black (M), Box, Burke, Carns, Clouse, Collins, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Gaston, Gipson, Hall (A), Hamilton, Hammett, Haney, Hawk, Hawkins, Hill, Hogan, Hooper, Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Letson, Lindsey, McDaniel, McKee, McMillan, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Willis and Wren.

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Nay:

Representatives Bandy, Black (L), Boyd, Buskey, Clark (W), Guin, Hall (L), Hayden, Hilliard, Houston, Jackson, Knight (J), Maull, McAdory, McClammy, Melton, Minnifield, Mitchell, Perdue, Rogers (J), Spratt and Thomas (J).

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SPECIAL ORDER CALENDAR RESUMED

BUDGET ISOLATION RESOLUTION OFFERED

Representative Letson offered the motion to adopt the Budget Isolation Resolution relating to the bill, H. 769.

MOTION TO SUSPEND RULES LOST

The motion offered by Representative Jorgensen to suspend the rules in order to take up out of order the Budget Isolation Resolution and the bill, H. 567, was lost, lacking a four-fifths vote.

Yeas 34; Nays 28.

Yea:

Representatives Allen, Box, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Gaines, Gaston, Gipson, Guin, Hamilton, Hammett, Haney, Hawk, Hawkins, Hogan, Jorgensen, Layson, McDaniel, Newton (C), Papucci, Petelos, Pringle, Rogers (M), Sanderford, Spratt, Thomas (D), Townsend, Turnham, Venable and Wren.

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Nay:

Representatives Baker, Bandy, Black (L), Boyd, Burke, Buskey, Drake, Flowers, Hall (A), Hall (L), Hayden, Hilliard, Hooper, Houston, Jackson, Knight (J), Maull, McAdory, McClammy, McKee, Melton, Minnifield, Mitchell, Morrow, Perdue, Sanderson, Thomas (J) and Warren.

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**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 853. To make a conditional appropriation from the Alabama Special Educational Trust Fund in the State Treasury to the Postsecondary Education Special Fund of an amount up to six million dollars (\$6,000,000) for the fiscal year ending September 30, 1995.

TOMMY CARTER
Chairman

And the bill, H. 853, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 797. To amend Section 34-30-22, Code of Alabama 1975, to provide for the qualifications for a licensed bachelor social worker.

TOMMY CARTER
Chairman

And the bill, H. 797, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 152. To provide for a statewide voter file maintenance process; to provide that the state shall pay certain costs associated with the process; and to provide for certain supplemental effect.

TOMMY CARTER
Chairman

And the bill, H. 152, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 584. To amend Section 40-18-15, Code of Alabama 1975, to provide a deduction in state taxes for premiums paid for qualifying long-term care coverage; to provide requirements which a qualifying long-term care contract shall meet;; and to provide that any amounts of premium tax for long-term care shall be deposited into the Alabama Special Educational Trust Fund.

TOMMY CARTER
Chairman

And the bill, H. 584, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 927. To provide that a person who devises a scheme to defraud another person and communicates in any way in furtherance of this scheme is guilty of fraud; to provide that the person would be guilty of a Class A misdemeanor, a Class C felony, or a Class B felony depending upon the value of the property, money, or thing; to provide that reliance is not a necessary element of the offense; and to provide a penalty.

TOMMY CARTER
Chairman

And the bill, H. 927, as engrossed, was ordered sent to the Senate.

RESOLUTIONS

The following resolutions were introduced and distributed according to Joint Rule 11:

By Representative Knight (J):

H.R. 390. RECOGNIZING THE CELEBRATION OF THE FIFTH CARTER/MOODY FAMILY REUNION.

Also:

By Representative Hilliard:

H.R. 391. COMMENDING NORMAN E. DAVIS OF TUSKEGEE, ALABAMA, FOR OUTSTANDING SERVICE AND DEDICATION.

Also:

The following resolution was introduced:

By Representative Johnson (R):

H.J.R. 392. HONORING INDIAN VALLEY SCHOOL OF SYLACAUGA, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

The resolution, H.J.R. 392, was read and referred to the Standing Committee on Rules.

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

By Representative Flowers:

H.R. 393. CONGRATULATING COLONEL AND MRS. AL HOLSTON OF TROY, ALABAMA, ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY.

Also:

By Representative Sims:

H.R. 394. MOURNING THE DEATH OF CHARLES DAVIS HEARD OF ANNISTON, ALABAMA.

Also:

By Representatives Hogan and Guin:

H.R. 395. HONORING LEIGH SHERER, MISS ALABAMA 1995.

Also:

The following resolutions were introduced:

By Representatives Sanderford, Haney, Jorgensen and Papucci:

H.J.R. 396. MOURNING THE DEATH OF JOHN FREDERICK WESSEL OF HUNTSVILLE, ALABAMA.

The resolution, H.J.R. 396, was read and referred to the Standing Committee on Rules.

Also:

By Representative Laird:

H.J.R. 397. DIRECTING THE DEPARTMENT OF TRANSPORTATION TO DESIGNATE A PORTION OF STATE HIGHWAY 9 A SCENIC ROUTE.

The resolution, H.J.R. 397, was read and referred to the Standing Committee on Rules.

Also:

By Representatives Mitchell, Kennedy, Clark (W) and Buskey:

H.J.R. 398. COMMENDING HERBERT B. HORTON OF MOBILE, ALABAMA, ON THE OCCASION OF HIS RETIREMENT.

The resolution, H.J.R. 398, was read and referred to the Standing Committee on Rules.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Representative Lindsey:

H.R. 399. COMMENDING RUTH PIPER OF HEFLIN, ALABAMA, ON THE OCCASION OF HER RETIREMENT, JUNE 23, 1995.

Also:

The following resolution was introduced:

By Representative Allen:

H.J.R. 400. CREATING FORT MCCLELLAN JOINT INTERIM COMMITTEE TO STUDY FUTURE USES FOR FORT MCCLELLAN.

The resolution, H.J.R. 400, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senators Butler, Hale, Freeman, Barron, Roberts, Escott-Russell, Smitherman, Hill, and Armistead:

S.J.R. 139. CREATING A JOINT INTERIM LEGISLATIVE COMMITTEE TO STUDY MUNICIPAL ANNEXATION ACROSS COUNTY LINES WITHIN THE STATE.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is created a joint interim legislative committee to study every facet of annexations by municipalities that include boundaries in other counties, including any economic impact on state and local government, the costs incurred with advertising local legislation relating to annexations, the impact on police jurisdictions and planning commissions, and overlapping or competing school districts. The committee shall be composed of four members of the Alabama Senate, two members representing the rural areas of the state and two members representing the urban areas of the state, to be appointed by the Lieutenant Governor; four members of the Alabama House of Representatives, two members representing the rural areas of the state and two members representing the urban areas of the state, to be appointed by the Speaker of the House of Representatives; a representative from the Alabama League of Municipalities; a representative from the Association of County Commissioners of Alabama; and a representative from the Alabama Probate Judges' Association. The committee shall select a chair and co-chair from among its membership and shall form their own rules of procedure for conducting its business.

Upon the request of the chair, the Clerk of the House and the Secretary of the Senate shall provide the clerical assistance necessary for the committee's work. The committee shall report its findings, conclusions, and recommendations to the Legislature not later than the tenth legislative day of the 1996 Regular Session, and may report, from time to time, in the interim, or upon request of the Legislature. Upon its final report on the tenth legislative day of the 1996 Regular Session, the committee shall stand dissolved and discharged of any further duties and liabilities. Each legislative member shall be entitled to his or her regular legislative compensation, his or her per diem, and travel expenses for each day he or she attends a meeting of the committee which shall be paid out of any funds

appropriated to the use of the Legislature, upon warrants drawn on the State Comptroller upon requisitions signed by the chair of the committee. Notwithstanding the foregoing, no legislative member shall receive additional legislative compensation or per diem when the Legislature is in session or if a legislative member is being paid any other payments on the same dates for attendance of other state business. The total expenditures of the committee shall not exceed five thousand dollars (\$5,000).

McDOWELL LEE
Secretary

SENATE MESSAGE

The resolution, S.J.R. 139, set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the House Bills mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 9:50 A.M. on July 13, 1995.

H. 139

H. 748

H. 330

H. 353

Delivered to the Governor at 11:30 A.M. on July 13, 1995.

H. 627

Delivered to the Governor at 1:00 P.M. on July 13, 1995.

H. 442

H. 27

H. 484

H. 767

H. 94 (Executive Amendment)

H. 693 (Executive Amendment)

GREG PAPPAS
Clerk

ADJOURNMENT

On motion of Representative Venable, the House adjourned until 1:00 o'clock p.m., Monday, July 24, 1995.

Yeas 41; Nays 40.

Yea:

Mr. Speaker, Bandy, Black (M), Boyd, Burke, Buskey, Carns, Clark (W), Collins, Dolbare, Drake, Dukes, Flowers, Guin, Hall (L), Hamilton, Hammett, Hawkins, Hayden, Hogan, Houston, Jackson, Johnson (E), Knight (J), Laird, Maull, McAdory, McClammy, McKee, Morton, Newton (C), Parker (T), Payne, Robinson, Spratt, Starkey, Thomas (J), Turnham, Venable, Warren and Willis.

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Nay:

Representatives Allen, Box, Carothers, Curry, Dean, Ford, Gaines, Gaston, Hall (A), Haney, Hawk, Hill, Hilliard, Hinshaw, Hooper, Johnson (R), Jorgensen, Knight (A), Letson, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Morrow, Papucci, Penry, Perdue, Petelos, Pringle, Reed, Rogers (J), Sanderford, Sanderson, Sims, Smith, Thomas (D), Townsend and Vance.

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TWENTY-SEVENTH DAY

**House of Representatives
Montgomery, Alabama
Monday, July 24, 1995**

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Chip Brown, Speaker's Office.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Whitney Brockman, 7th Grade, Mountain Brook Junior High School, Birmingham, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the twenty-sixth legislative day and finds the same to be correct.

TOMMY CARTER
Chairman

On motion of Representative Ford, the reading at length of the Journal of the House for the twenty-sixth legislative day was dispensed with.

LEAVES OF ABSENCE

At the request of Representative Ford, leave of absence was granted for Representative Carter.

Also:

At the request of Representative Knight (J), leave of absence was granted for Representative Holmes.

Also:

At the request of Representative Gaston, leave of absence was granted for Representative Pringle.

MOTION TO ADJOURN ADOPTED

Representative Hammett offered the motion that when the House adjourns today, it adjourns to meet again at 12:00 o'clock Noon on Tuesday, July 25, 1995, and the motion was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 142. COMMENDING DOROTHY F. COTTON FOR OUTSTANDING SERVICE AND ACHIEVEMENT.

On motion of Representative Ford, the House concurred in and adopted the resolution, S.J.R. 142, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 385. COMMENDING JON HERRING AS WINNER OF THE SMALL SCHOOL PLAYER OF THE YEAR.

WHEREAS, the Legislature of Alabama notes the numerous and notable accomplishments of Jon Herring as the recipient of the Small School Player of the Year during his senior year at Alabama Christian Academy; and

WHEREAS, Mr. Herring is a conscientious and responsible young man of unquestionable character who earned a spot in the 2A finals playing against Springville in Alabama Christian's 1-0 win when, in the opening game of the finals, Herring pitched a one-hit shutout, struck out 10, drove in the game's only run, and for his outstanding efforts, was named the Montgomery Advertiser's Small School City Player of the Year; and

WHEREAS, Mr. Herring compiled a 12-2 record, a 1.29 earned run average with 179 strikeouts in 94 innings of work, and a .388 batting average with 35 runs batted in and, through his impressive career contributions signed with the University of Alabama in Birmingham; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we greatly admire and appreciate the many accomplishments of this warm and grateful young man, and hereby direct that he receive a copy of this resolution.

On motion of Representative Ford, the resolution, H.J.R. 385, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 392. HONORING INDIAN VALLEY SCHOOL OF SYLACAUGA, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

WHEREAS, it is with great pride and utmost pleasure that the Alabama House of Representatives recognizes Indian Valley School of Sylacauga, Alabama, the recipient of the Safe and Drug-Free School Recognition Award by the United States Department of Education; and

WHEREAS, Indian Valley School was the only school in the State of Alabama to receive this special honor which recognizes those schools which have made outstanding progress toward making America's schools free of drugs and violence, and offer a disciplined environment conducive to learning; and

WHEREAS, in a time when there is a growing concern about drug abuse and violence in our youth of America, it is an honor and privilege to be a part of a truly exemplary program like that of Indian Valley School; and

WHEREAS, Indian Valley School was honored in June by President Clinton at a White House ceremony in the Rose Garden; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby extend highest commendation and warmest congratulations to the faculty, students, and parents of Indian Valley School of Sylacauga, Alabama, as well as Principal Marcella Gooch, the Sylacauga Board of Education, and Sylacauga City Schools Superintendent Dr. Joseph Morton, for whom a copy of this resolution of sincere appreciation shall be provided.

On motion of Representative Ford, the resolution, H.J.R. 392, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 396. MOURNING THE DEATH OF JOHN FREDERICK WESSEL OF HUNTSVILLE, ALABAMA.

WHEREAS, in sentiment of great sorrow, the Legislature of Alabama records the lamentable death of John Frederick "Fred" Wessel of Huntsville, Alabama, on June 23, 1995, at the age of 63; and

WHEREAS, Mr. Wessel, who has served as an elder and deacon of Central Presbyterian Church, and was an active member of First Baptist Church, was a native of Atlantic City, New Jersey, who attended Temple University, and later the University of Miami, where he received his B.S. degree in 1959; he also served his country with honor in the United States Army during the Korean War; and

WHEREAS, in 1966, Mr. Wessel entered the restaurant business with a Burger King franchise, and, with his brother, Dr. George H. Wessel, began Wesfam Restaurants, Inc., which now operates 18 Burger King restaurants, and represents over a quarter century of customer and community focus, making the organization one of the Southeast's top franchise groups; his many corporate awards include best employee relations, best marketing, and best community relations, to name a few; and,

WHEREAS, Fred Wessel was a hard-working man of vision who always had the best interest of the Huntsville community in mind, and served in countless civic organizations, including the Downtown Rescue Mission, Salvation Army, Governor's Committee for Employment of the Handicapped, the Huntsville Beautification Board, and the Volunteers of America; and

WHEREAS, possessed with such attributes as a warm and delightful sense of humor, and a great sensitivity to the needs of others, Mr. Wessel's honors and awards include community service awards from the Robert Neaves Detention Home and the Huntsville Police Department, the beautification honor roll, and memberships on the boards of such organizations as the Mayor's 1000 Points of Lights, the Huntsville Restaurant Association, and YMCA; and

WHEREAS, Mr. Wessel is survived by his wife, Jean; two sons, John Wessel and James Wessel; a daughter, Tristenne Wessel; sister, Frances Weir; and a host of other relatives and friends, whose bereavement is shared by this body; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of John Frederick Wessel of Huntsville, Alabama, and extend our deepest sympathy to his family, for whom copies of this resolution of sincere condolence shall be provided.

On motion of Representative Ford, the resolution, H.J.R. 396, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 397. DIRECTING THE DEPARTMENT OF TRANSPORTATION TO DESIGNATE A PORTION OF STATE HIGHWAY 9 A SCENIC ROUTE.

WHEREAS, the Legislature of Alabama notes with pride and admiration the scenic beauty of State Highway 9 North of Wetumpka, Alabama; and

WHEREAS, this portion of Highway 9 travels through pastoral portions of Elmore, Coosa, Clay, Cleburne, Calhoun, and Cherokee Counties, showcasing the grandeur of the forests, lakes, and mountains in this charming and inviting area of our state; and

WHEREAS, this body is justifiably proud of this route and desires to make its scenic splendors known to all travelers; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That State Highway 9 North of Wetumpka, Alabama,

is designated a Scenic State Highway and the State Department of Transportation is directed to take appropriate action regarding this designation, including indicating this designation on future state highway maps.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to the Director of the Department of Transportation so that these instructions are properly conveyed.

On motion of Representative Ford, the resolution, H.J.R. 397, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 398. COMMENDING HERBERT B. HORTON OF MOBILE, ALABAMA, ON THE OCCASION OF HIS RETIREMENT.

WHEREAS, it is with highest commendation and sincere praise that the Alabama Legislature notes the retirement of Herbert B. Horton of Mobile, Alabama, following 27 years of distinguished service to the Mobile Fire Department, and to the community; and

WHEREAS, through his many years of dedicated service to the Mobile Fire Department, Mr. Horton, who became the city's first Black paramedic in 1975, and was named Fireman of the Year in 1976, contributed extensively to the strength and success of the department, and served as a worthy representative of that dedicated group of individuals who selflessly serve to protect the lives and property of others; and

WHEREAS, indeed, Mr. Horton is an estimable man, whose reverence for God, and love and concern for his family and his fellow man has directed his path and life's endeavors; and

WHEREAS, a native of Mobile, and one of nine children born to Ernest and Catherine Horton, Mr. Horton graduated from Allen Institute and attended Alabama State College; and

WHEREAS, he confessed Christ as his Savior at an early age, and joined Wesley Chapel Methodist Church, where he began ministering in 1950; he also served pastorates at Little Zion Church, Tensaw, Alabama, and Fleming Chapel, Clarke County, Alabama, and, over his ministry, served as an inspiration to his church family as a true symbol of strength, love, and commitment to the Lord; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That upon the occasion of his retirement, and in recognition of outstanding service to the Mobile Fire Department, the community, and to others, we hereby most highly commend Herbert B. Horton, for whom a copy of this resolution shall be provided.

On motion of Representative Ford, the resolution, H.J.R. 398, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 400. CREATING FORT MCCLELLAN JOINT INTERIM COMMITTEE TO STUDY FUTURE USES FOR FORT MCCLELLAN.

WHEREAS, the Fort McClellan military base installation in Anniston, Alabama, is currently scheduled for closure by the federal government; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That a Fort McClellan Joint Interim Committee is created to study and make recommendations on all facets of the potential future uses of the facilities following its closure. The committee shall provide a copy of its recommendations to each member of the Alabama Delegation of the U.S. Congress and each standing congressional committee on veterans affairs, the Calhoun County Council of Elected Leaders, the Governor, and shall file a copy with the Legislature not later than the 10th legislative day of the 1996 Regular Session, at which time it shall be dissolved.

The committee shall be composed of three members of the House of Representatives and three members of the Senate, appointed by the respective presiding officers.

The committee shall elect a chair and vice chair at its first meeting. The committee shall meet at the call of the chair.

Upon the request of the chair, the Secretary of the Senate and the Clerk of the House shall provide clerical assistance as may be necessary for the committee's work. Each member of the committee shall be entitled to his or her regular legislative compensation, his or her per diem and travel expenses for each day he or she attends a meeting of the committee which shall be paid out of any funds appropriated to the use of the Legislature, upon warrants drawn on the state comptroller upon requisitions signed by the committee's chair. Members shall not receive additional legislative compensation or per diem when the Legislature is in session or if a member is being paid any other payments on the same dates for

attendance of other state business. The total expenditures of the committee shall not exceed \$5,000.

On motion of Representative Ford, the resolution, H.J.R. 400, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 353. URGING THE ALABAMA CONGRESSIONAL DELEGATION TO REPEAL GOALS 2,000 AS A PART OF EDUCATE AMERICA ACT.

WHEREAS, Goals 2,000: Educate America Act and related implementing legislation, ESEA Reauthorization Act, P.L. 103-382, which was passed by the Congress in 1994, require the federalization called restructuring of America's educational system; and

WHEREAS, the act for the first time in American history, provides a framework to establish national education goals, with the power in federal, state, and local rules; and

WHEREAS, this federalization which Goals 2,000 describes 101 times as voluntary, is in effect involuntary because it requires that for a state to receive any federal funds, including Chapter 1 funds, a state must submit to national content standards, national student performance standards, federally approved state assessments testing to cover all students regardless of where they are educated, federally approved control of information through technology plans in all programs, federally approved school readiness programs which will necessitate home inspections mandatory community service, school to work programs directing all businesses to require certificates of mastery for all workers, and government oversight of the family; and

WHEREAS, this federalization also mandates equalized spending per pupil for a state, local, educational agency, or school; and

WHEREAS, the Alabama Legislature last year rejected outcome-based education; and

WHEREAS, the federal government does not have the legal constitutional authority to implement a national curriculum or otherwise to usurp state rights; and

WHEREAS, American education has been effective when it has taught the basic under local control; and

WHEREAS, supervision and education of children must remain the right of parents, and the Goals 2,000 required parent contracts negate this parental authority; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Legislature calls upon the Alabama Congressional Delegation to repeal Goals 2,000 in order to reverse the power it gives to the federal government.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to each Alabama Congressional member.

On motion of Representative Ford, the resolution, H.J.R. 353, was adopted.

PERMISSION GRANTED

Permission was granted for the Journal to reflect that had a recorded vote been taken, it would show that Representative Parker (P) voted "Nay" on adoption of the resolution, H.J.R. 353.

BILLS ON SECOND READING

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 12. To exempt the Clark County Historical Society from the payment of all state, county, and municipal sales and use taxes and to exempt all property owned and used by the organization from any state, county, and local ad valorem taxes.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute and amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 93. (With Substitute) (With Amendment): To provide for the establishment by the Alabama Commission on Higher Education in conjunction with the State Board of Education of a technology pilot program for computer-based teaching of Algebra I in the public schools of this state and make an appropriation to the Commission on Higher Education for the purchase of computer equipment, for the training of math teachers in the public schools and colleges participating in the program, and for an evaluation of the pilot program.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 389. To authorize participation of employees of regional and local legislative delegation offices in the state employees' health insurance plan.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 457. (With Amendment): To establish the John Buskey Minority and Entrepreneurial Business Act of 1995; to promote the development of a pilot program to provide business technical assistance to minorities, entrepreneurs, and small businesses through the services of minority business development representatives located at certain regional planning and development commissions; to make an appropriation to fund the program; and to amend Section 41-23-51, Code of Alabama 1975, to provide further for the membership of the Regional Revolving Loan Fund Committee.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 719. To create two new circuit judgeships in the Thirteenth Judicial Circuit of Alabama.

H. 778. To require all public institutions of higher education and their respective board of trustees to file with the Alabama Commission on Higher Education a Facilities Master Plan and to require institutions to prioritize all capital budget requests made to the Governor and Legislature. In addition, this bill will freeze the square footage for academic facilities while the facilities master plan is being developed. This bill will provide that all new construction projects, all acquisitions of existing facilities, and all lease purchase agreements must be approved by the Commission prior to that space being included in the Alabama Commission on Higher Education's funding formula calculations. This bill will also establish a Permanent Joint Interim Legislative Committee for Appeals on Higher Education to consider appeals from a decision by the Commission as to a facilities plan.

H. 932. To provide that full-time executive officers and employees of the Tennessee Valley Rehabilitation Center, Inc., may elect to become members of the Teachers' Retirement System; to provide that the center and employees of the center shall assume all administrative and contributory costs of membership and that no cost shall devolve upon the state and to provide for purchase of previous service credit in the system.

S. 36. To amend Sections 32-6-300 and 32-6-301 of the Code of Alabama 1975, by providing that owners of all motor vehicles may purchase the "Helping Schools" tags, and providing further that the purchasers of the tags may designate the school district to receive the proceeds of the sale of the tags.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

S. 72. (With Substitute): Amending Section 36-27-50, Code of Alabama 1975, to reopen the Employees' Retirement System for a certain period to afford certain legislative employees an opportunity to purchase prior service credit for certain temporary service rendered as legislative employees.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 90. To provide for the "Alabama Science in Motion Act of 1995"; to make legislative findings and statements of legislative intent; to assign responsibilities to the State Board of Education and to the State Superintendent of Education for its implementation; to make an appropriation of \$1,492,000 from the Alabama Special Educational Trust Fund to the Education Technology Fund for 1994-95 and 1995-96 fiscal years; and to appropriate any unencumbered funds remaining from the appropriation made in Act No. 94-673 and remaining from this Act after the required expenditures are made.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

S. 99. (With Amendment): To amend Section 36-22-16, Code of Alabama 1975, relating to the minimum compensation to be paid to sheriffs; to provide for an increase in that compensation, and to provide an expense allowance under certain circumstances.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 318. Providing for distinctive motor vehicle license tags or plates for supporters of Alabama Forests; prescribing the fees for the tags or plates; providing for the establishment of a "Forest Stewardship Education Fund"; providing for the establishment of the "Alabama Forest Stewardship Education Committee";

providing for disposition of the net proceeds from the fees; providing for an expiration date for the tags or plates; and providing for a delayed effective date.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

S. 328. (With Substitute): To provide for an energy and weatherization assistance program; and to create the Neighbors Helping Neighbors Fund; and to provide that the Department of Economic and Community Affairs will administer the monies.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 372. To amend Section 36-30-1 of the Code of Alabama 1975; to provide that if a peace officer, certified police officer, or reserve law enforcement officer is killed while engaged in the performance of his or her duties and there are no dependents or partial dependents, then his or her mother or father shall be eligible for compensation.

S. 555. To make a supplemental appropriation from the Alabama Special Educational Trust Fund in the State Treasury to The Diabetes Trust Fund, Inc., in the amount of one hundred thousand dollars (\$100,000) for the fiscal year ending September 30, 1995.

S. 561. To make a supplemental appropriation from the Alabama Special Educational Trust Fund in the State Treasury to the Randolph County School Board in the sum of \$2,500,000, to Joppa School in Cullman County in the sum of \$1,216,000, and to Collinsville High School in Cullman County in the sum of \$1,100,000 for the fiscal year ending September 30, 1996.

S. 14. To amend Section 36-21-1, Code of Alabama 1975, to increase the maximum amount reimbursed to law enforcement officers for the cost of defending certain lawsuits.

S. 239. To amend Section 11-3-4.1 of the Code of Alabama 1975, relating to the compensation of the members and chair of the several county commissions, to further provide for the setting of the compensation by resolution of the commission.

S. 457. Reopening the Employees' Retirement System to allow certain members of the system an opportunity to purchase credit in the system for certain prior service rendered in the office of a local district attorney or as a court reporter, or for both.

Representative Newton (D), Chairperson of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

S. 313. (With Amendment): Relating to the Alabama Peace Officers' Standards and Training Commission and the standards for the certification or authority of law enforcement officers in the state; amending Section 36-21-51 of the Code of Alabama 1975, providing for continuing education of law enforcement officers and for the effect of failure to comply; and providing for the revocation of the certification or authority of a law enforcement officer upon conviction of a felony.

Representative Newton (D), Chairperson of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 84. To amend Sections 24-8-3, 24-8-5, 24-8-7, 24-8-8, 24-8-10, and 24-8-12, Code of Alabama 1975, relating to the Alabama Fair Housing Law, to provide further for fair housing.

S. 565. Relating to crime victims' rights; to establish and implement certain rights of victims of crime; and to establish certain procedures for enforcing those rights throughout the criminal justice process.

S. 118. To amend Section 30-2-51, Code of Alabama 1975, to provide for discretionary inclusion of certain retirement benefits within a spousal estate when the court determines an allowance upon the grant of a divorce if certain conditions are met.

S. 583. To amend Section 30-3-4 of the Code of Alabama 1975, to provide further for the right of grandparents to petition for visitation of grandchildren in the event of the death of a parent.

Representative Hooper, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 69. To authorize the Department of Corrections to design and install high voltage electrified security fence systems at existing prisons and at any proposed medium and maximum security prison facilities.

S. 109. To amend Sections 36-21-44, 36-21-45, and 36-21-46 of the Code of Alabama 1975, relating to the Peace Officers' Standards and Training Commission, to provide further for the powers, duties, functions, and allowances of the commission; and to provide further for the minimum standards of law enforcement officers.

S. 193. To prohibit the Alabama Alcoholic Beverage Control Board from issuing any form of license in a Class 1 or Class 2 municipality for the retail sale of any intoxicating beverage, including, but not limited to, beer and other forms of malt beverages, wine, or liquor of any kind or variety, without the approval of the governing body of the municipality in which the retail sales are sought to be licensed, unless the denial of approval is set aside by the circuit court of the county in which the license site is situated as having been arbitrarily or capriciously denied by the governing body; and to provide for court jurisdiction and procedures to review a denial of municipal approval and for the assessment of attorney fees.

H. 993. To provide for the licensing and regulation of blind vendor operations on certain public property.

Representative Flowers, Chairperson of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 538. To repeal Section 22-11A-15, Code of Alabama 1975, which requires premarital exams and testing for syphilis.

Representative White, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 917. Relating to the City of Decatur in Morgan and Limestone Counties; amending Sections 5 and 7 of Act No. 89, H. 234 of the 1939 Regular Session (Local Acts 1939, p. 47), as amended, relating to the Municipal Utilities Board of Decatur, to provide further for the organization, membership, terms of office, administration, and general operations of the board and the compensation of the members of the board.

H. 948. Relating to Lawrence County; to provide for the collection of any sales and use tax levied by the county commission.

H. 967. Relating to Marengo County; authorizing the county commission to levy an additional one cent sales and use tax; providing for the collection, distribution, and use of the proceeds of the tax; prescribing penalties and fixing punishment for violation of this act; providing for a termination date; providing for a tag fee; providing for an increase in court costs for district and civil courts, and an imposition of a fee for delivery of summons and other legal documents by the sheriff; and providing for the disposition of the funds.

H. 987. Relating to Franklin County; to provide further for fire protection; to levy a fire protection service fee on certain owners of dwellings to provide for certain exemptions; to provide for collection of the fee; to provide for the distribu-

tion of funds derived from the fee to fire departments; to provide for the expending and accounting for the funds; and to provide for a referendum.

H. 988. Relating to Wilcox County; providing for the appointment of a deputy coroner; and providing for an expense allowance of the coroner.

H. 992. Relating to Marengo County; authorizing the Marengo County Commission to levy a user fee on the issuance of all motor vehicle license tags for passenger automobiles and trucks of any nature in addition to any and all other charges, costs, taxes or fees levied thereon; and providing for the payment, collection and distribution of the net revenues from such user fees.

S. 515. Relating to Lowndes County; providing the sheriff with an additional expense allowance and providing for a decrease in the expense allowance if the sheriff receives a raise in salary.

S. 516. Relating to Lowndes County; providing further for the expense allowance of the county coroner retroactive to July 24, 1991, and amending Section 1 of Act No. 91-327, S. 455 of the 1991 Regular Session (Acts 1991, p. 646), for that purpose.

S. 637. Relating to Tallapoosa County; relating to the compensation and expense allowance for the Sheriff of Tallapoosa County; to further provide for an additional expense allowance and expiration date therefor and the sheriff's compensation in the next term of office.

S. 647. To propose an amendment to the Constitution of Alabama of 1901, to provide for two elected members to the electrical utility owned by the City of Tuskegee in Macon County and to provide for stipends for certain members of the board who are not members of the city council.

The above bill was read a second time at length as required by the Constitution.

S. 654. Relating to Limestone County; to provide for the salary and expense allowance of the county superintendent of education.

S. 661. Relating to Limestone County; providing an additional expense allowance for members of the Limestone County Board of Education; and providing for the salary of the members commencing with the next term of office.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 194. To require successful candidates for justice and judge of the appellate courts and circuit and district courts to file certain disclosure statements of contributions received; to provide for the disclosure of subsequent contributions; to provide for the acceptance of contributions from political action committees; to require certain parties and attorneys to file disclosure statements of contributions; to provide for a procedure for the disqualification of a judicial officer; and to prescribe penalties for failure to file the statements.

TOMMY CARTER
Chairman

And the bill, H. 194, as engrossed, was ordered sent to the Senate.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time and referred to appropriate standing committees as follows:

By Representative Vance (With Notice and Proof):

H. 995. To provide for the implementation of a constitutional amendment authorizing the county commission to regulate the operation of bingo in Russell County, Alabama.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 995, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Jorgensen (With Notice and Proof):

H. 996. Relating to the City of Madison; to authorize the municipal governing body to provide for the expiration of appointments to municipal boards, commissions, or authorities; and to further regulate expenditures of municipal boards, commissions, and authorities during an election year.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 996, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

BILLS ON THIRD READING**BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Rogers (M), the Budget Isolation Resolution relating to the bill, H. 926, was adopted.

Yeas 54; Nays 0.

Yea:

Mr. Speaker, Box, Buskey, Clouse, Collins, Curry, Drake, Dukes, Flowers, Gaines, Gaston, Gipson, Graham, Guin, Hamilton, Hammett, Hill, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Jorgensen, Kennedy, Knight (A), Layson, Maull, McClammy, McDaniel, Millican, Mitchell, Moore, Morrow, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Petelos, Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Venable, Warren, White and Willis.

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And the bill:

H. 926. Relating to the Civil Service Board of the City of Anniston in Calhoun County; to amend Sections 6, 12, and 16 of Act No. 592, S. 456 of the 1953 Regular Session (Acts 1953, p. 838), as amended, to provide for the expense allowance of the members of the board; to increase the number of persons to be considered from the eligible register of the board; and to provide for the total compensation to be paid to members of the board.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 49; Nays 0.

Yea:

Mr. Speaker, Box, Buskey, Collins, Curry, Drake, Flowers, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Hayden, Hill, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Jorgensen, Kennedy, Knight (A), Layson, Maull, McClammy, Millican, Mitchell, Morrow, Morton, Murphree, Newton (C), Newton (D), Papucci, Penry, Petelos, Rogers (M), Sanderson, Sims, Smith, Starkey, Thomas (D), Thomas (J), Turnham, Venable, Warren and Willis.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Clouse, the Budget Isolation Resolution relating to the bill, H. 954, was adopted.

Yeas 57; Nays 0.

Yea:

Mr. Speaker, Baker, Box, Carothers, Clouse, Collins, Curry, Dolbare, Drake, Flowers, Gaines, Gaston, Gipson, Graham, Guin, Hammett, Haney, Hayden, Hill, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Laird, Letson, Maull, McClammy, McDaniel, McMillan, Millican, Mitchell, Morton, Murphree, Newton (C), Newton (D), Papucci, Penry, Petelos, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Venable, White and Willis.

-57

And the bill:

H. 954. Relating to the City of Dothan in Houston County, amending Act No. 93-684 of the 1993 Regular Session, to provide further for the manner of electing the members of the Dothan City Board of Education.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 60; Nays 0.

Yea:

Mr. Speaker, Baker, Black (M), Burke, Carothers, Clouse, Collins, Curry, Drake, Flowers, Ford, Fuller, Gaines, Gaston, Gipson, Guin, Hamilton, Hammett, Haney, Hayden, Hill, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Laird, Letson, Lindsey, McClammy, McMillan, Millican, Moore, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Reed, Rogers (M), Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turnham, Vance, Venable and Willis.

-60

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Murphree, the Budget Isolation Resolution relating to the bill, H. 983, was adopted.

Yeas 62; Nays 0.

Yea:

Mr. Speaker, Baker, Black (M), Box, Buskey, Carothers, Clouse, Collins, Dukes, Flowers, Ford, Gaines, Gipson, Graham, Guin, Hamilton, Hammett, Haney, Hayden, Hill, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Letson, Lindsey, McAdory, McClammy, McDaniel, McKee, Millican, Moore, Morrison, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Penry, Petelos, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Turnham, Vance, Venable, White and Willis.

-62

And the bill:

H. 983. Relating to Blount County; providing for an expense allowance for the coroner; and repealing Act No. 625 of the 1959 Regular Session (Acts 1959, p. 1529), providing for an expense allowance for the coroner.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 55; Nays 0.

Yea:

Mr. Speaker, Baker, Black (M), Box, Burke, Buskey, Carothers, Clouse, Collins, Curry, Drake, Dukes, Flowers, Ford, Gaines, Gipson, Guin, Hammett, Haney, Hayden, Hill, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Kennedy, Knight (A), Knight (J), Lindsey, McClammy, McDaniel, Millican, Moore, Morrison, Morton, Murphree, Papucci, Penry, Petelos, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Turner, Turnham, Vance, Venable and Willis.

-55

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Murphree, the Budget Isolation Resolution relating to the bill, H. 984, was adopted.

Yeas 54; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Box, Burke, Buskey, Carothers, Clouse, Collins, Drake, Flowers, Gaines, Gipson, Guin, Hammett, Haney, Hayden, Hill, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Lindsey, McAdory, McClammy, McKee, Millican, Moore, Morrison, Morton, Murphree, Newton (C), Papucci, Penry, Petelos, Reed, Rogers (M), Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Turnham, Vance, Venable and Willis.

-54

And the bill:

H. 984. Relating to Blount County; providing for an expense allowance for each member, except the chair, of the county commission.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 53; Nays 0.

Yea:

Mr. Speaker, Allen, Black (M), Box, Burke, Buskey, Carothers, Clouse, Drake, Flowers, Gaines, Gaston, Gipson, Guin, Hammett, Haney, Hayden, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (J), Lindsey, McClammy, McDaniel, McKee, Millican, Moore, Morrison, Morton, Murphree, Newton (C), Papucci, Parker (P), Penry, Petelos, Reed, Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Turnham, Vance, Venable and Willis.

-53

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Robinson, the Budget Isolation Resolution relating to the bill, S. 529, was adopted.

Yeas 55; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Box, Burke, Carothers, Clouse, Collins, Dean, Flowers, Gaines, Gaston, Gipson, Guin, Hall (A), Hamilton,

Hammett, Haney, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Lindsey, McClammy, McDaniel, Millican, Morrison, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Penry, Petelos, Robinson, Rogers (M), Sanderford, Seibenhener, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable and Warren.

-55

And the bill:

S. 529. To alter, rearrange, and extend the boundary lines and corporate limits of the City of Bridgeport in Jackson County.

was read a third time at length and passed.

Yeas 60; Nays 0.

Yea:

Mr. Speaker, Allen, Black (M), Box, Burke, Carothers, Clouse, Collins, Dean, Flowers, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hammett, Haney, Hayden, Hill, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Letson, Lindsey, McAdory, McClammy, McDaniel, Millican, Moore, Morrison, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Parker (T), Penry, Petelos, Reed, Robinson, Rogers (M), Sanderford, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable and Willis.

-60

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Parker (P), the Budget Isolation Resolution relating to the bill, S. 542, was adopted.

Yeas 51; Nays 1.

Yea:

Mr. Speaker, Allen, Black (M), Box, Boyd, Burke, Buskey, Clouse, Collins, Dean, Drake, Flowers, Ford, Gaines, Gaston, Guin, Hammett, Haney, Hayden, Hilliard, Hinshaw, Hogan, Hooper, Jackson, Johnson (E), Jorgensen, Kennedy, Knight (J), Letson, Lindsey, McClammy, McDaniel, McKee, Millican, Moore, Murphree, Newton (C), Papucci, Parker (P), Penry, Petelos, Reed, Sanderford, Sims, Smith, Spratt, Thomas (D), Turnham, Vance, Venable and Willis.

-51

Nay:

Representative Sanderson.

- 1

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

S. 542. Relating to Morgan County; providing for the expense allowance and salary of the chair and commissioners of the county commission; providing for effective dates and repealing conflicting laws.

was read a third time at length and passed.

Yeas 47; Nays 1.

Yea:

Mr. Speaker, Allen, Black (M), Box, Boyd, Burke, Buskey, Clouse, Dolbare, Gaines, Guin, Hammett, Haney, Hill, Hilliard, Hogan, Hooper, Houston, Jackson, Johnson (E), Jorgensen, Kennedy, Knight (A), Knight (J), Lindsey, Maull, McAdory, McClammy, McKee, Millican, Moore, Morton, Newton (C), Papucci, Parker (P), Parker (T), Penry, Petelos, Reed, Rogers (M), Sims, Smith, Spratt, Thomas (D), Vance, Venable and Willis.

-47

Nay:

Representative Dukes.

- 1

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Parker (P), the Budget Isolation Resolution relating to the bill, S. 543, was adopted.

Yeas 49; Nays 1.

Yea:

Mr. Speaker, Allen, Black (M), Box, Boyd, Burke, Buskey, Clouse, Collins, Dean, Flowers, Gaston, Gipson, Graham, Guin, Hammett, Haney, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Jorgensen, Kennedy, Knight (A), Knight (J), Letson, Lindsey, McClammy, McMillan, Millican, Moore, Newton (C), Papucci, Parker (P), Penry, Petelos, Reed, Rogers (M), Sims, Smith, Spratt, Turnham, Vance, Venable and Willis.

-49

Nay:

Representative Dukes.

- 1

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

S. 543. Relating to Morgan County; providing for an additional expense allowance and salary for the sheriff.

was read a third time at length and passed.

Yeas 47; Nays 1.

Yea:

Mr. Speaker, Allen, Bandy, Black (M), Box, Boyd, Burke, Buskey, Clouse, Dean, Dolbare, Gaston, Gipson, Guin, Hammett, Haney, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Jorgensen, Kennedy, Knight (A), Knight (J), Lindsey, McAdory, McClammy, McMillan, Millican, Moore, Newton (C), Papucci, Parker (P), Penry, Petelos, Reed, Rogers (M), Sims, Smith, Spratt, Vance, Venable and Willis.

-47

Nay:

Representative Dukes.

- 1

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Newton (C), the Budget Isolation Resolution relating to the bill, S. 593, was adopted.

Yeas 50; Nays 0.

Yea:

Mr. Speaker, Baker, Black (M), Box, Boyd, Burke, Buskey, Dean, Dolbare, Flowers, Ford, Gaston, Gipson, Guin, Hamilton, Hammett, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Kennedy, Knight (A), Knight (J), Lindsey, Maull, McClammy, McMillan, Melton, Millican, Morton, Newton (C), Papucci, Parker (P), Penry, Reed, Rogers (M), Seibenhener, Sims, Spratt, Thomas (J), Turnham, Vance, Venable, Warren and Willis.

-50

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

S. 593. Relating to Crenshaw County; amending Act No. 89-486, H. 865, 1989 Regular Session, as amended, which levied a sales and use tax, so as to provide further for the disposition of the proceeds from the tax and to extend the effective date.

was read a third time at length and passed.

Yeas 54; Nays 0.

Yea:

Mr. Speaker, Black (L), Black (M), Box, Boyd, Burke, Buskey, Collins, Dolbare, Drake, Flowers, Ford, Gaston, Gipson, Graham, Guin, Hammett, Haney, Hayden, Hill, Hilliard, Hogan, Hooper, Houston, Jackson, Johnson (E), Jorgensen, Kennedy, Knight (A), Lindsey, Maul, McAdory, McClammy, McKee, McMillan, Millican, Morrison, Morton, Murphree, Newton (C), Newton (D), Parker (T), Penry, Rogers (M), Sanderson, Sims, Smith, Spratt, Starkey, Thomas (J), Turnham, Vance, Venable and Willis.

-54

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Gaines, the Budget Isolation Resolution relating to the bill, H. 924, was adopted.

Yeas 60; Nays 0.

Yea:

Mr. Speaker, Baker, Black (M), Burke, Buskey, Carns, Collins, Curry, Dean, Drake, Gaines, Gipson, Graham, Guin, Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Jorgensen, Kennedy, Knight (A), Letson, Lindsey, McAdory, McClammy, McDaniel, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Payne, Petelos, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren and Willis.

-60

And the bill:

H. 924. Relating the District Attorney's Office, Tenth Judicial Circuit, Jefferson County Birmingham Division; to provide for the appointment, duties, and compensation of deputy district attorneys; and to repeal the following acts: Act No. 523, H. 121, 1975 Regular Session (Acts 1975, p. 1174); Act No. 720, H. 1038, 1987 Regular Session (Acts 1987, p. 1410); Act No. 90-542, H. 637, 1990 Regular Session (Acts 1990, p. 842); and Act No. 93-567, H. 372, 1993 Regular Session (Acts 1993, p. 946); all relating to the office and compensation of the deputy district attorneys in the Tenth Judicial Circuit are specifically repealed.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 65; Nays 0.

Yea:

Mr. Speaker, Allen, Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Curry, Dean, Drake, Dukes, Flowers, Gaines, Gaston, Gipson, Graham, Guin, Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Letson, Lindsey, Maull, McClammy, McKee, Mitchell, Moore, Morton, Murphree, Papucci, Parker (P), Payne, Petelos, Robinson, Rogers (M), Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable and Willis.

-65

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Petelos, the Budget Isolation Resolution relating to the bill, H. 975, was adopted.

Yeas 63; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Drake, Dukes, Gaines, Gaston, Gipson, Guin, Hammett, Haney, Hill, Hilliard, Hinshaw, Hogan, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Letson, Lindsey, Maull, McClammy, McDaniel, McKee, McMillan, Millican, Moore, Morton, Murphree, Newton (C), Newton (D), Papucci, Penry, Petelos, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Turner, Turnham, Vance, Venable and Willis.

-63

And the bill:

H. 975. Relating to the elected Assistant District Attorney's Office, Tenth Judicial Circuit, Jefferson County Bessemer Division; to provide for the appointment, duties, and compensation of deputy district attorneys; and to repeal the following acts: Act No. 245, H. 845, 1975 Regular Session (Acts 1975, p. 773); Act No. 87-721, H. 896, 1987 Regular Session (Acts 1987, p. 1411); Act No. 90-202, H. 449, 1990 Regular Session (Acts 1990, p. 237); and Act No. 93-648, S. 382, 1993 Regular Session (Acts 1993, p. 1119); all relating to the office and compensation of the deputy district attorneys in the Tenth Judicial Circuit Bessemer Division are specifically repealed.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 58; Nays 0.

Yea:

Mr. Speaker, Allen, Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Curry, Drake, Gaines, Gipson, Guin, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Lindsey, McAdory, McClammy, McDaniel, McKee, Melton, Millican, Mitchell, Moore, Morton, Newton (C), Newton (D), Papucci, Parker (P), Petelos, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Turnham, Venable and Willis.

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BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Clark (W), the Budget Isolation Resolution relating to the bill, S. 451, was adopted.

Yeas 62; Nays 0.

Yea:

Mr. Speaker, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Drake, Gaines, Gaston, Gipson, Guin, Hammett, Haney, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Lindsey, Maull, McClammy, McKee, Millican, Minnifield, Morrison, Morton, Newton (D), Papucci, Penry, Petelos, Reed, Rogers (M), Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Turner, Turnham, Vance, Venable and Willis.

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And the bill:

S. 451. Relating to Mobile County; amending Act No. 90-697, H. 991, 1990 Regular Session, which provides for the creation, maintenance, and regulation of districts for fighting or preventing fires, to provide further for the election of the members of the board of trustees and for the filling of vacancies.

was read a third time at length and passed.

Yeas 68; Nays 0.

Yea:

Mr. Speaker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Drake, Gaines, Gaston, Gipson, Guin, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Lindsey, Maull, McClammy, McKee, McMillan, Melton, Millican, Mitchell, Morrison, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Penry, Petelos, Reed, Rogers (M), Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Turner, Turnham, Vance, Venable, Warren and Willis.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 698. To alter, rearrange, and extend the boundary lines and corporate limits of the City of Ozark in Dale County.

McDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Clouse, the House concurred in and adopted the Senate amendment to the bill, H. 698, said Senate amendment being as follows:

A BILL TO BE ENTITLED AN ACT

To alter, rearrange, and extend the boundary lines and corporate limits of the City of Ozark in Dale County.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The boundary lines and corporate limits of the City of Ozark in Dale County are altered, rearranged, and extended to include within the corporate limits of the city, in addition to the lands now included, all of the following territory:

EXHIBIT "Q"

Beginning at the northeast corner of the NW1/4 of the SE1/4, Sec. 22, T5N, R24E, Dale County, Alabama at a point on the present boundary of the Corporate Limits of the City of Ozark, Dale County, Alabama and running thence S 0°52'00"E 1330.99 feet to the southeast corner of said forty; thence N 89° 45'39"W 2642.46 feet along the south line of said forty and the NE1/4 of the SW1/4 to a point; thence S 4°26'07"E 430.00 feet to a point; thence N 89°45'39"W 703.15 feet to the west line of the NE1/4 of the SW1/4; thence S 0°50'49"E 1341.02 feet to a point; thence N 89°58'43"W 1321.37 feet to the southwest corner of Sec. 22, T5N, R24E, Dale County, Alabama; thence S 1°11'12"E 1332.87 feet along the east section line of Sec. 28, T5N, R24E, Dale County, Alabama to the southeast corner of the NE1/4 of the NE1/4; thence N 89°15'06"W 1305.28 feet along the south line of said forty to a point; thence S 1°23'26"E 1339.78 feet to the south line of the NE1/4; thence N 89°15'06"W 10.70 feet along the said south line to the southwest corner of the SE1/4 of the NE1/4 to a point that is on the present boundary of the Corporate Limits of the City of Ozark, Alabama; thence N 1°23'26"W 1339.78 feet to the northwest corner of said forty; thence N 89°15'06"W 10.70 feet along the south line of the NW1/4 of the NE1/4 to a point; thence N 1°23'26"W 937.35 feet to a point on a line that is 250 feet parallel to the north right-of-way (R.O.W.) of Dale County Road No. 21 known as Logan Road to where the new boundary ties with the present boundary; thence S 79°21'42"E 10.93 feet along said line to the west line of the NE1/4 of the NE1/4; thence N 1°23'26"W 404.30 feet to the northwest corner of the forty and the north line of the section; thence N 0°46'10"W 1336.29 feet along the west line of the SE1/4 of the SE1/4, Sec. 21, T5N, R24E, Dale County, Alabama to the northwest corner of the forty; thence S 89°22'50"E 600.00 feet along the north line of the forty to the centerline of Dale County Road No. 91 known as the Dean Church Road; thence N 82° 34'34"E 516.42 feet to a point; thence N 0°50'52"E 210.00 feet to a point; thence N 84°25'41"E 200.40 feet to a point on the east line of the section; thence S 0°50'41"E 892.94 feet along said section line to a point on a line that is 250 feet parallel to then north R.O.W. of Dale County Road No. 29 known as Campground Road; thence a chord bearing and distance of N 53°48'15"E 2384.90 feet of a line that is 250 feet parallel to said road to a point; thence N 4°26'07"W 312.68 feet to a point; thence N 86°26'32"E 225.53 feet to a point on a line that is 250 feet parallel the west R.O.W. of said road; thence a chord bearing and distance of N 18°17'11"E 352.47 feet of a line that is 250 feet parallel to said road to a point that is on the present boundary of the Corporate Limits of the City of Ozark, Dale County, Alabama; thence S 78°07'36"E 280.00 feet to a point on the centerline of said Campground Road at the point of intersection of the centerline of Deer Run Drive with said road; thence S 70°34'46"E 907.95 feet along the centerline of Deer Run Drive to a point; thence N 15°42'03"E 114.79 feet to a point; thence N 42°41'36"E 118.41 feet to a point on the north line of the NW1/4 of the SE1/4; thence S 89°32'35"E 457.14 feet along said north line to the point of beginning. The herein described property being in and a part of the E1/2 of the SE1/4, Sec. 21; NW1/4 of the SE1/4, SE1/4 of the NW1/4 and the SW1/4, Sec. 22; and the E1/2 of the NE1/4, Sec. 28, T5N, R24E, Dale County, Alabama and containing 190 acres more or less. This description was written from a digitized tax map and does not represent on actual survey and should not be used for individual property conveyance.

Section 2. In accordance with Section 11-42-6 (b) of the Code of Alabama 1975, a map showing what territory is proposed to be annexed to the City of Ozark is on file in the office of the Judge of Probate in Dale County, Alabama, and the map is open to the inspection of the public.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Yeas 70; Nays 0.

Yea:

Mr. Speaker, Bandy, Black (L), Black (M), Burke, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Galliher, Gaston, Gipson, Graham, Guin, Hammett, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Millican, Minnifield, Morrison, Morton, Murphree, Newton (C), Newton (D), Papucci, Payne, Penry, Perdue, Petelos, Reed, Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, White and Willis.

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RESOLUTION

The following resolution was introduced:

By Rules Committee:

H.R. 401. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES; That immediately upon the adoption of this resolution, the following business, in the order set forth below, shall be the special and paramount order of business for the twenty-seventh legislative day, Monday, July 24, 1995, taking precedence over the regular order of business or any pending or unfinished business:

And the Following Bills:

Inst Id	Page
H. 863 - By Petelos	112

Crime Victims Compensation Commission, payment of claims clarified to include cert. sexual exams, and to add youthful offenders to those responsible for restitution, Secs. 15-23-5, 15-23-12, 15-23-16, 15-23-17 am'd.

H. 278 - By Curry 136

Cash Management Improvement Act of 1990, approp. from st. general fund to pay the net interest due the federal govt., fin. dir. to admin.

H. 763 - By Fuller 160

Emergency Management Agency, approp.

H. 637 - By Fuller 108

Forensic Sciences Dept., departmental fee auth. for preparing testimony for legal proceedings, Alabama Forensic Services Trust Fund estab. to supplement dept. operations, approp.

H. 643 - By Fuller 68

Forensic Sciences Dept., trust fund estab., fines on drug cases imposed, approp.

H. 382 - By Fuller (As Substituted) 105

Alabama Film Office, employees to become unclassified st. employees with benefits of other unclassified employees

H. 982 - By Ford 156

Economic development, tax credit to business entities investing in modernization of existing industrial facilities

Consideration of the following bills and the accompanying BIR shall be limited to a total of 10 minutes. Any bill that fails to pass within the 10-minute period will automatically revert to its position on the regular order calendar. Any bill that fails to pass with the 10-minute period will automatically revert to its position on the regular order calendar. These bills are not subject to motions to carry over temporarily or otherwise.

And the following bills:

H. 435 - By McKee 16

Child and spousal support, revocation of licenses, including driver's and professional licenses, for failure to pay, hearing before Human Resources Dept.

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H. 343 - By Sanderson 47

Abortion, parental consent, procedure alt., add'l documents and identification required, civil cause of action estab., Sec. 26-21-3 am'd.

H. 970 - By Sanderson 150

Life insurance, interest payable on proceeds to beneficiary after death of insured, reg.

H. 604 - By Reed 61

Horse and greyhound racetracks, televised simulcast of racing events auth. participation in pari-mutuel pools, hours of operation for racetracks incr., Sec. 11-65-32 repealed

H. 842 - By Rogers (M) (As Amended) 113

Chiropractors, term "physician" as used in Alabama Rules of Civil Procedure re use of depositions to include

H. 477 - By Hooper 17

Alcoholic beverages, requirement that spiritous liquor containers have stamps, crowns, or lids affixed, abolished, Secs. 28-3-220 to 28-3-226, inclusive, repealed

H. 921 - By Johnson (R) (As Amended) 131

District Attorneys, local law may allow discipline of employees, Sec. 12-17-220 am'd.

H. 210 - By Hill 3

Checks, bad check charge incr., Sec. 8-8-15, 12-17-224, 13A-9-13.1, 13A-9-13.2 am'd.

H. 887 - By Hogan 160

Mining Museum, approp.

H. 649 - By Reed (As Substituted) 79

Tuskegee University, approp. of \$5,000,000 from Special Educational Trust fund for fiscal year ending September 30, 1995

H. 544 - Melton	141
H. 33 - By Laird (As Amended and Substituted)	37
Waterworks systems, of muns. or cert. corporations, duplicating service or acquiring prohib., Sec. 11-50-1.1 am'd.	
H. 332 - By Hooper	7
Sheriffs, pistol permit fee form recommended by Executive Committee of Alabama Sheriffs Assn., license issuance req., sheriff may comply with federal firearm laws, Sec. 13A-11-75 am'd.	
H. 704 - By Hill	166
Motor vehicles, distinctive tags for Alabama Sports Festival, inc., fees, distrib.	
H. 721 - By McKee (As Amended)	74
Initiative and referendum, const. amend.	
H. 907 - By McDaniel	117
Foreign corporations, treatment of dividends of subsidiaries, alt., Sec. 40-18-31.1 added	
H. 394 - By Hawk (As Amended)	134
DNA Database Fund, Judicial Education Trust Fund and Sheriffs' Education Trust Fund, estab., for training re genetic education evidence on DNA, court costs incr., distrib., Sec. 36-18-32 am'd.	
H. 743 - By Thomas (D)	138
Driving Under Influence, fine incr., credited to Impaired Drivers Trust Fund, Sec. 32-5A-191.1 am'd.	
H. 207 - By Petelos	34
Law enforcement officers, special due process during hearings	
H. 615 - By Jackson	133
Thomasville Civic Center Foundation, sales and use tax exemption	

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H. 476 - By Laird 18

Small claims ct., jurisdiction raised, Secs. 12-11-30, 12-12-31 am'd.

H. 393 - By Wren 105

Motor vehicles, Fraternal Order of Police, distinctive license plates, auth. to be issued to active membs., Sec. 32-6-360 am'd., Act 94-614, 1994 Reg. Sess. am'd.

H. 899 - By Newton (D) 148

Enterprise zones, distressed companies to collect job development fees from employees, Sec. 41-23-21 am'd.

H. 440 - By Letson (As Substituted) 41

Motor vehicles, tinted windshields regulated, standards, exceptions and medical exemptions, penalties

H. 583 - By Curry (As Substituted) 54

State employees, retired, incr. in benefits for, Act 94-768, 1994 1st. E.S. am'd., Sec. 36-27-125 am'd.

H. 631 - By Black (M) 70

Hospitals, retirees, cost-of-living adjusted funding for units in the Employees' Retirement System

H. 885 - By Rogers (J) 129

Gaming devices for amusement, transportation permitted, penalties eliminated

H. 868 - By Burke 134

Contracts, federal manufacturer's taxes reimbursement payment options, effective date

H. 200 - By McDaniel (As Substituted) 135

Taxation, utility tax exemptions provided for, Sec. 40-21-83 am'd.

H. 396 - By Sims (As Amended) 135

Talladega Co., constable fees incr.

H. 900 - By McDaniel	129
Motor vehicle, truck tractor and trailer, prohib. from using left-hand lane on cert. roads except when passing or turning left	
H. 605 - By Hinshaw	91
Governor's-Legislators' Gaming Oversight Commission and Veterans' Foundation Share-Lottery, established	
H. 986 - By Flowers	154
Workers' comp., utilization review, optional, Sec. 25-5-293 am'd.	
H. 989 - By Hill	163
Alabama Youth Home, Inc., sales and use tax exempt	
H. 936 - By Hilliard (As Amended)	132
Class 1,2, or 3 muns., may make awards to employees for performance or for innovations that reduce costs	
On motion of Representative Ford, the resolution, H.R. 401, was adopted.	

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has acceded to the request of the House for a Committee on Conference on the disagreement of the two Houses on the Senate amendment to the House Bill:

H. 235. To make appropriations for the support, maintenance and development of public education in Alabama, for debt service, and for capital outlay for the fiscal year ending September 30, 1996.

And the President and Presiding Officer of the Senate has appointed as Committee on part of the Senate, Senators: Sanders, Amari, and Freeman.

McDOWELL LEE
Secretary

SPECIAL ORDER CALENDAR

The House then proceeded with the consideration of the Special Order Calendar.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Petelos, the Budget Isolation Resolution relating to the bill, H. 863, was adopted.

Yeas 97; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Fuller, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maul, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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And the bill:

H. 863. To amend Section 15-23-5 of the Code of Alabama 1975, relating to the duties of the Alabama Crime Victims Compensation Commission to authorize payment for sexual assault examinations; to amend Section 15-23-12 relating to claims which may be denied or reduced; to amend Section 15-23-16 to increase the cap on expenditures for administrative purposes; to amend Section 15-23-17 relating to crime victim costs and assessments to clarify that the additional costs and crime victim assessments shall be assessed in certain juvenile and youthful offender cases.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 100; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative Galliher intended to vote "Yea" on the passage of the bill, H. 863.

CO-SPONSORS ADDED

The following were added as co-sponsors to the bill, H. 863:

Representatives Allen, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Clark (J), Clark (W), Clouse, Collins, Crigler, Dean, Dolbare, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (T), Payne, Penry, Perdue, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren and Willis.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Curry, the Budget Isolation Resolution relating to the bill, H. 278, was adopted.

Yeas 90; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (M), Box, Boyd, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (T), Payne, Penry, Perdue, Petelos, Reed, Rogers (J), Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-90

And the bill:

H. 278. To make an appropriation from the State General Fund in an amount sufficient to pay the net interest due the federal government as computed in accordance with the provisions of the Cash Management Improvement Act of 1990, Public Law 101-453 and authorize the director of finance to provide the necessary administration to ensure full compliance with all the provisions of Public Law 101-453.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 96; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Box, Boyd, Burke, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H.J.R. 358. COMMENDING DORMAN DEWITT ADAMS OF TUSCALOOSA, ALABAMA, ON HIS OUTSTANDING LAW ENFORCEMENT CAREER.

Also:

H.J.R. 359. COMMENDING DR. JOHN M. LONG FOR HIS ACTIVE YEARS AS A BANDMASTER.

Also:

H.J.R. 360. COMMENDING THE ALABAMA FORESTRY ASSOCIATION FOR OUTSTANDING ACHIEVEMENT IN THEIR 1995 LOG A LOAD FOR KIDS CAMPAIGN.

Also:

H.J.R. 367. COMMENDING THE MANY AGENCIES AND VOLUNTEERS WHO AIDED IN THE TORNADO CRISIS OF THE STATE OF ALABAMA.

Also:

H.J.R. 368. COMMENDING THE ALABAMA FORESTRY ASSOCIATION FOR OUTSTANDING CONTRIBUTIONS TO LOG A LOAD FOR KIDS 1995.

Also:

H.J.R. 370. EXPRESSING OPPOSITION TO CONGRESS OF PENDING BILLS TO REDUCE BENEFITS FOR COAL MINERS.

Also:

H.J.R. 373. MOURNING THE DEATH OF DANNY MCDANIEL OF WINFIELD, ALABAMA, JULY 3, 1995.

McDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H.J.R. 376. COMMENDING JOY TRUMP HAMLET FOR HER LIFETIME COMMUNITY SERVICE.

Also:

H.J.R. 377. COMMENDING ALVIN ELLISON FOR OUTSTANDING SERVICE TO THE CHILTON COUNTY RESCUE SQUAD AND TO THE COMMUNITY.

Also:

H.J.R. 379. MOURNING THE DEATH OF MR. ARTHUR EUGENE LANCASTER, SR., JULY 1, 1995.

Also:

H.J.R. 382. ESTABLISHING AN ADVISORY COMMITTEE TO STUDY THE FEASIBILITY OF ALLOWING MEMBERS OF THE LEGISLATURE TO PARTICIPATE IN A RETIREMENT PLAN OR IN AN HONORARY MEMBERSHIP POSITION.

Also:

H.J.R. 384. HONORING REVEREND WILLIAM M. SMITH AND FIRST LADY MRS. KATIE SMITH ON THE OCCASION OF THEIR 19TH ANNIVERSARY AT FIRST BAPTIST CHURCH MOUNTAIN PARK IN BIRMINGHAM, ALABAMA.

Also:

H.J.R. 386. CREATING THE MEDICAID JOINT INTERIM COMMITTEE.

McDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Presiding Officer of the Senate having signed the following Senate Joint Resolution, your signature thereto is requested:

S.J.R. 141. COMMENDING ROBBY AND APRIL ROBERSON OF MIDFIELD, ALABAMA, FOR OUTSTANDING CONTRIBUTIONS AND ACHIEVEMENT.

McDOWELL LEE
Secretary

SIGNING OF SENATE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolution, the title of which is set out in the foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Presiding Officer of the Senate having signed the following Senate Bill, your signature thereto is requested:

S. 55. To amend Section 40-23-1, Code of Alabama 1975, to clarify that the state sales tax would not apply to the use or consumption of a manufactured product by the manufacturer thereof if used in quality control testing or if given to certain charitable entities.

McDOWELL LEE
Secretary

SIGNING OF SENATE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Message from the Senate.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolution, to-wit:

H.J.R. 340. CREATING A JOINT INTERIM LEGISLATIVE COMMITTEE TO INVESTIGATE TAX AUDITS OF THE DEPARTMENT OF REVENUE AND DIRECTING THE EXAMINERS OF PUBLIC ACCOUNTS TO ASSIST THE COMMITTEE.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolution, the title of which is set out in the foregoing Report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 698. To alter, rearrange, and extend the boundary lines and corporate limits of the City of Ozark in Dale County.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Report of the Standing Committee on Rules.

SPECIAL ORDER CALENDAR RESUMED**BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Fuller, the Budget Isolation Resolution relating to the bill, H. 763, was adopted.

Yeas 83; Nays 1.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Box, Boyd, Buskey, Carns, Carothers, Clark (W), Clouse, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Fuller, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Jackson, Johnson (R), Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, McAdory, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Morrison, Morrow, Morton, Newton (C), Page, Papucci, Parker (T), Payne, Penry, Perdue, Petelos, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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Nay:

Representative Jorgensen.

- 1

And the bill:

H. 763. To appropriate one hundred sixty-five thousand dollars (\$165,000) from the State General Fund in the State Treasury to the Alabama Emergency Management Agency.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 90; Nays 1.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Box, Boyd, Buskey, Carns, Carothers, Clark (W), Clouse, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Jackson, Johnson (R), Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McDaniel, McKee, McMillan, Melton, Millican,

Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Newton (C), Newton (D), Page, Papucci, Parker (T), Payne, Penry, Perdue, Petelos, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-90

Nay:

Representative Jorgensen.

- 1

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Fuller, the Budget Isolation Resolution relating to the bill, H. 637, was adopted.

Yeas 87; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Box, Boyd, Carns, Carothers, Clark (W), Clouse, Collins, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Reed, Robinson, Rogers (J), Sanderford, Sanderson, Seibenhener, Sims, Smith, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

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And the bill:

H. 637. To allow the Department of Forensic Sciences to charge a fee for the use of department personnel in private lawsuits; to establish the Alabama Forensic Services Trust Fund and to appropriate \$130,000 from the fund to the Department of Forensic Sciences for the 1996 fiscal year.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 96; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Fuller, the Budget Isolation Resolution relating to the bill, H. 643, was adopted.

Yeas 91; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Box, Boyd, Burke, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-91

And the bill:

H. 643. To impose an additional fine for persons convicted of drug possession, drug sale, drug trafficking, and drug paraphernalia offenses; to provide for the creation of the Alabama Forensic Services Trust Fund; to provide for an appropriation to the Department of Forensic Sciences for the 1996 fiscal year, and for an effective date.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 93; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Box, Boyd, Burke, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Willis.

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BUDGET ISOLATION RESOLUTION OFFERED

Representative Fuller offered the motion to adopt the Budget Isolation Resolution relating to the bill, H. 382.

BUDGET ISOLATION RESOLUTION TEMPORARILY CARRIED OVER

In accordance with House Rule 21, the bill, H. 382, and the pending Budget Isolation Resolution were temporarily carried over at the request of Representative Fuller.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Ford, the Budget Isolation Resolution relating to the bill, H. 982, was adopted.

Yeas 56; Nays 28.

Yea:

Mr. Speaker, Allen, Baker, Box, Burke, Carns, Carothers, Clouse, Collins, Dukes, Ford, Gaines, Galliher, Gipson, Guin, Hammett, Haney, Hawk, Hawkins, Hill, Hooper, Houston, Johnson (R), Jorgensen, Knight (A), Knight (J), Layson,

Lindsey, Maull, McClammy, McDaniel, McKee, McMillan, Moore, Morrison, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (T), Payne, Penry, Perdue, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham and Venable.

-56

Nay:

Representatives Black (L), Black (M), Boyd, Buskey, Clark (W), Crigler, Dolbare, Flowers, Fuller, Graham, Hayden, Hilliard, Hinshaw, Hogan, Jackson, Johnson (E), Kennedy, Laird, Letson, Millican, Mitchell, Morrow, Morton, Parker (P), Vance, Warren, White and Willis.

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**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H.J.R. 358. COMMENDING DORMAN DEWITT ADAMS OF TUSCALOOSA, ALABAMA, ON HIS OUTSTANDING LAW ENFORCEMENT CAREER.

Also:

H.J.R. 359. COMMENDING DR. JOHN M. LONG FOR HIS ACTIVE YEARS AS A BANDMASTER.

Also:

H.J.R. 360. COMMENDING THE ALABAMA FORESTRY ASSOCIATION FOR OUTSTANDING ACHIEVEMENT IN THEIR 1995 LOG A LOAD FOR KIDS CAMPAIGN.

Also:

H.J.R. 367. COMMENDING THE MANY AGENCIES AND VOLUNTEERS WHO AIDED IN THE TORNADO CRISIS OF THE STATE OF ALABAMA.

Also:

H.J.R. 368. COMMENDING THE ALABAMA FORESTRY ASSOCIATION FOR OUTSTANDING CONTRIBUTIONS TO LOG A LOAD FOR KIDS 1995.

Also:

H.J.R. 370. EXPRESSING OPPOSITION TO CONGRESS OF PENDING BILLS TO REDUCE BENEFITS FOR COAL MINERS.

Also:

H.J.R. 373. MOURNING THE DEATH OF DANNY MCDANIEL OF WINFIELD, ALABAMA, JULY 3, 1995.

Also:

H.J.R. 376. COMMENDING JOY TRUMP HAMLET FOR HER LIFETIME COMMUNITY SERVICE.

Also:

H.J.R. 377. COMMENDING ALVIN ELLISON FOR OUTSTANDING SERVICE TO THE CHILTON COUNTY RESCUE SQUAD AND TO THE COMMUNITY.

Also:

H.J.R. 379. MOURNING THE DEATH OF MR. ARTHUR EUGENE LANCASTER, SR., JULY 1, 1995.

Also:

H.J.R. 382. ESTABLISHING AN ADVISORY COMMITTEE TO STUDY THE FEASIBILITY OF ALLOWING MEMBERS OF THE LEGISLATURE TO PARTICIPATE IN A RETIREMENT PLAN OR IN AN HONORARY MEMBERSHIP POSITION.

Also:

H.J.R. 384. HONORING REVEREND WILLIAM M. SMITH AND FIRST LADY MRS. KATIE SMITH ON THE OCCASION OF THEIR 19TH ANNIVERSARY AT FIRST BAPTIST CHURCH MOUNTAIN PARK IN BIRMINGHAM, ALABAMA.

Also:

H.J.R. 386. CREATING THE MEDICAID JOINT INTERIM COMMITTEE.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the foregoing Report of the Standing Committee on Rules.

H. 982 TAKEN UP

And the bill:

H. 982. To induce certain industrial manufacturing companies to remain in Alabama and to employ persons in Alabama by allowing annual income tax credits for capital expenditures incurred in the modernization, revitalization, and rehabilitation of certain existing facilities; to provide that a project eligible for the income tax credit granted herein be engaged in operations described in one of the Standard Industrial Classification Major Groups 20 through 39, expend at least \$50,000,000 on modernization, revitalization, and rehabilitation costs, and employ at least 500 persons at an average hourly wage of at least \$8 per hour or an average total compensation, including benefits, of not less than \$10 per hour; to provide that the annual income tax credit granted herein be used to offset income taxes which are attributable to income generated by or arising out of a qualified project; to provide that income generated by or arising out of the qualified project be determined by an agreement between the reporting entity, which owns or leases the qualified project, and the Department of Revenue; to provide that the credit granted herein be income only after all other exemptions, deductions, and credits; to provide that the credit granted herein be available to the ultimate owners of pass-through entities, such as partnerships, limited liability companies, and trusts; to provide that the annual income tax credit granted herein be available for 20 years; and to provide that the Department of Revenue administer the income tax credit.

was taken up.

AMENDMENT OFFERED

Representative McDaniel offered the following amendment to the bill, H. 982:

Amend House Bill 982, on page 14, line 23, after the word and punctuation "act." by inserting the following as a new Section 6 and renumbering all subsequent sections accordingly:

Section 6. This provisions of this act shall be effective only through December 31, 1995. Accordingly, only those reporting entities filing the form described in this section with the department on or before December 31, 1995

shall be entitled to claim the annual incentive tax credit authorized by Section 2(a) of this act. The form shall be provided by the department and shall require the reporting entity to provide information regarding each of the criteria listed in section 3 of this act with respect to a project which is sufficient for the department to determine if the project is a qualified project. It is intended that, for those reporting entities filing the form required by this section with the department on or before December 31, 1995, the provisions of this act shall remain in full force and effect. It is also intended that the department shall continue to have full power to implement the provisions of this act with respect to such reporting entities and that the annual incentive tax credit authorized by section 2(a) of this act shall remain in full force and effect for such reporting entities for the period provided for in section 2(d) of this act even though such period may begin after December 31, 1995. It is also intended that, for such reporting entities, the term "modernization costs" includes all capital costs otherwise described in section 3(a)(6)b. of this act notwithstanding the fact that such costs were incurred after December 31, 1995. Nothing contained in this section shall limit any other power or authority of the department heretofore conferred upon it, and the department shall possess all powers and authority heretofore conferred upon it by law other than those limited by this section.

MOTION TO CARRY OVER TABLED

On motion of Representative Ford, the motion offered by Representative Parker (P) to carry over the the bill, H. 982, and the pending amendment to the thirtieth legislative day was tabled.

Yeas 49; Nays 27.

Yea:

Mr. Speaker, Allen, Baker, Box, Burke, Carns, Carothers, Clouse, Collins, Curry, Dukes, Ford, Gaines, Galliher, Gipson, Graham, Haney, Hawkins, Hill, Hooper, Houston, Johnson (R), Knight (A), Knight (J), Layson, Lindsey, McAdory, McClammy, McDaniel, McMillan, Moore, Murphree, Newton (C), Page, Papucci, Parker (T), Payne, Penry, Petelos, Reed, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Smith, Spratt, Starkey and Thomas (D).

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Nay:

Representatives Black (M), Buskey, Clark (W), Crigler, Dolbare, Fuller, Guin, Hall (L), Hayden, Hilliard, Hinshaw, Jackson, Johnson (E), Jorgensen, Kennedy, Laird, Maul, Mitchell, Morrison, Morrow, Parker (P), Perdue, Sims, Thomas (J), Turner, Warren and Willis.

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H. 982 TEMPORARILY CARRIED OVER

In accordance with House Rule 21, the the bill, H. 982, and the pending amendment offered by Representative McDaniel were temporarily carried over at the request of Representative Ford.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Presiding Officer of the Senate having signed the following Senate Joint Resolution, your signature thereto is requested:

S.J.R. 142. COMMENDING DOROTHY F. COTTON FOR OUTSTANDING SERVICE AND ACHIEVEMENT.

McDOWELL LEE
Secretary

SIGNING OF SENATE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolution, the title of which is set out in the foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Presiding Officer of the Senate having signed the following Senate Bills, your signature thereto is requested:

S. 451. Relating to Mobile County; amending Act No. 90-697, H. 991, 1990 Regular Session, which provides for the creation, maintenance, and regulation of districts for fighting or preventing fires, to provide further for the election of the members of the board of trustees and for the filling of vacancies.

Also:

S. 529. To alter, rearrange, and extend the boundary lines and corporate limits of the City of Bridgeport in Jackson County.

Also:

S. 542. Relating to Morgan County; providing for the expense allowance and salary of the chair and commissioners of the county commission; providing for effective dates and repealing conflicting laws.

Also:

S. 543. Relating to Morgan County; providing for an additional expense allowance and salary for the sheriff.

Also:

S. 593. Relating to Crenshaw County; amending Act No. 89-486, H. 865, 1989 Regular Session, as amended, which levied a sales and use tax, so as to provide further for the disposition of the proceeds from the tax and to extend the effective date.

McDOWELL LEE
Secretary

SIGNING OF SENATE BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the foregoing Message from the Senate.

MOTION TO SUSPEND RULES LOST

The motion offered by Representative Haney to suspend the rules in order to take up out of order the Budget Isolation Resolution and the bill, H. 731, was lost.

Yeas 34; Nays 37.

Yea:

Representatives Allen, Black (L), Buskey, Carns, Clark (W), Curry, Dean, Dukes, Fuller, Gaines, Gaston, Hall (A), Hamilton, Haney, Hawkins, Hill, Hinshaw, Jorgensen, Kennedy, Knight (A), McKee, McMillan, Minnifield, Morton, Newton (C), Papucci, Parker (T), Payne, Penry, Sanderford, Sanderson, Starkey, Townsend and Turnham.

Nay:

Representatives Baker, Black (M), Carothers, Clouse, Collins, Crigler, Dolbare, Ford, Gipson, Graham, Guin, Hammett, Hayden, Hilliard, Hogan, Hooper, Houston, Jackson, Johnson (R), Laird, Layson, McAdory, Melton, Millican, Moore, Morrison, Morrow, Murphree, Page, Robinson, Rogers (J), Rogers (M), Seibenhener, Sims, Spratt, Turner and Venable.

-37

SPECIAL ORDER CALENDAR RESUMED

BUDGET ISOLATION RESOLUTION OFFERED

Representative McKee offered the motion to adopt the Budget Isolation Resolution relating to the bill, H. 435.

TIME TO DEBATE EXPIRED

In accordance with the resolution, H.R. 401, the time to debate the bill, H. 435, and the pending Budget Isolation Resolution expired and the Speaker proceeded to the next bill on the Special Order Calendar.

BUDGET ISOLATION RESOLUTION OFFERED

Representative Sanderson offered the motion to adopt the Budget Isolation Resolution relating to the bill, H. 343.

TIME TO DEBATE EXPIRED

In accordance with the resolution, H.R. 401, the time to debate the bill, H. 343, and the pending Budget Isolation Resolution expired and the Speaker proceeded to the next bill on the Special Order Calendar.

MOTION TO RECONSIDER ADOPTED

Having voted on the prevailing side, Representative Gaines offered the motion to reconsider the vote by which the bill, H. 924, was passed, and the motion to reconsider was adopted.

And the bill, H. 924, was again taken up.

AMENDMENT OFFERED

Representative Gaines offered the following amendment to the bill, H. 924:

Amend House Bill 924 on page 5, after line 8 by adding a new Section 8 as follows and renumbering subsequent sections:

"Section 8. Notwithstanding any other provisions of this bill, the state shall not be required to expend State General Fund money in excess of the amount appropriated for the use of the district attorney of the 10th Judicial Circuit in the State General Fund Appropriation Act. For the purpose of implementing the provisions of this bill it is the intent of the Legislature that any additional salary expenses in this bill in excess of the amount appropriated to the 10th Judicial Circuit in the State General Fund Appropriation Act shall be paid from county funds."

Further amend the bill on page 5, line 22 after the word "law" by inserting the following: "and upon the adoption of a resolution by the Jefferson County Commission indicating approval of this bill".

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 88; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Fuller, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hinshaw, Hogan, Hooper, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turnham, Vance, Venable, Warren, Willis and Wren.

-88

And the bill:

H. 924. Relating the District Attorney's Office, Tenth Judicial Circuit, Jefferson County Birmingham Division; to provide for the appointment, duties, and compensation of deputy district attorneys; and to repeal the following acts: Act

No. 523, H. 121, 1975 Regular Session (Acts 1975, p. 1174); Act No. 720, H. 1038, 1987 Regular Session (Acts 1987, p. 1410); Act No. 90-542, H. 637, 1990 Regular Session (Acts 1990, p. 842); and Act No. 93-567, H. 372, 1993 Regular Session (Acts 1993, p. 946); all relating to the office and compensation of the deputy district attorneys in the Tenth Judicial Circuit are specifically repealed.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 70; Nays 0.

Yea:

Mr. Speaker, Allen, Black (M), Box, Boyd, Burke, Carns, Carothers, Clouse, Collins, Curry, Dolbare, Dukes, Flowers, Gaines, Gaston, Guin, Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, Melton, Millican, Minnifield, Moore, Morton, Murphree, Newton (C), Papucci, Parker (T), Payne, Perdue, Petelos, Reed, Robinson, Rogers (J), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turnham, Venable and Willis.

-70

MOTION TO RECONSIDER ADOPTED

Having voted on the prevailing side, Representative Petelos offered the motion to reconsider the vote by which the bill, H. 975, was passed, and the motion to reconsider was adopted.

And the bill, H. 975, was again taken up.

AMENDMENT OFFERED

Representative Petelos offered the following amendment to the bill, H. 975:

To amend H. 975 on page 5, after line 14, by adding a new Section 8 as follows and renumbering accordingly:

"Section 8. Notwithstanding any other provision of this bill, the state shall not be required to expend State General Fund money in excess of the amount appropriated for the use of the elected assistant district attorney of the Bessemer Division of the 10th Judicial Circuit in the General Fund appropriation act. For the purposes of implementing the provisions of this bill, it is the intent of the Legislature that any additional salary expenses in this bill in excess of the amount appropriated to the Bessemer Division of the 10th Judicial Circuit in the State General Fund appropriation act shall be paid from county funds."

Further amend the bill on page 6, line 3 by striking the period and adding the following: "and upon the adoption of a resolution by the Jefferson County Commission indicating approval of this bill."

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 67; Nays 0.

Yea:

Mr. Speaker, Allen, Black (M), Box, Burke, Carns, Clouse, Collins, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Gaines, Gaston, Graham, Guin, Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Layson, Letson, Lindsey, McAdory, McClammy, McDaniel, McKee, Melton, Millican, Minnifield, Moore, Morrison, Morton, Newton (C), Papucci, Parker (T), Payne, Perdue, Petelos, Reed, Robinson, Rogers (J), Sanderford, Sims, Smith, Spratt, Starkey, Townsend, Turnham, Venable and Willis.

-67

And the bill:

H. 975. Relating to the elected Assistant District Attorney's Office, Tenth Judicial Circuit, Jefferson County Bessemer Division; to provide for the appointment, duties, and compensation of deputy district attorneys; and to repeal the following acts: Act No. 245, H. 845, 1975 Regular Session (Acts 1975, p. 773); Act No. 87-721, H. 896, 1987 Regular Session (Acts 1987, p. 1411); Act No. 90-202, H. 449, 1990 Regular Session (Acts 1990, p. 237); and Act No. 93-648, S. 382, 1993 Regular Session (Acts 1993, p. 1119); all relating to the office and compensation of the deputy district attorneys in the Tenth Judicial Circuit Bessemer Division are specifically repealed.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 67; Nays 0.

Yea:

Mr. Speaker, Allen, Black (M), Box, Burke, Carns, Clouse, Collins, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Gaines, Gaston, Graham, Guin, Hall (L), Hamilton, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Layson, Letson, Lindsey, McAdory, McClammy, McDaniel, McKee, Melton,

Millican, Minnifield, Moore, Morton, Murphree, Newton (C), Papucci, Parker (T), Payne, Perdue, Petelos, Reed, Robinson, Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turnham, Venable and Willis.

-67

SPECIAL ORDER CALENDAR RESUMED

BUDGET ISOLATION RESOLUTION ADOPTED

The question was then on the adoption of the Budget Isolation Resolution offered by Representative Fuller to the bill, H. 382, which was previously temporarily carried over and the Budget Isolation Resolution was adopted.

Yeas 74; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (M), Box, Boyd, Burke, Carns, Clark (W), Clouse, Crigler, Curry, Dean, Dukes, Flowers, Fuller, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Kennedy, Knight (A), Layson, Letson, Lindsey, Maull, McDaniel, McKee, Melton, Millican, Morrison, Morrow, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Perdue, Petelos, Reed, Robinson, Rogers (M), Sanderford, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, Warren, White and Willis.

-74

And the bill:

H. 382. (With Substitute): Providing for certain contract employees of the Alabama Film Office to become unclassified state employees under the hiring and dismissal authority of the Director of the Alabama Development Office and for certain benefits and holidays for the employees.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

Providing for the creation of an unclassified position for the Director of the Alabama Film Office, and for the hiring of necessary staff under provisions of the state merit system and for certain benefits and holidays for the employees.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. On the first day of the first month after the effective date of this act, the management of the Alabama Film Office shall be vested in a director who shall be appointed by the Governor and shall serve at his or her pleasure. The salary shall be established by the Governor at an amount not to exceed forty-eight thousand dollars (\$48,000) annually and adjusted thereafter consistent with general cost of living adjustments approved for state employees. In fixing the salary, the Governor shall give due consideration to the salaries of comparable positions in other states in the southeast. The director shall have the same rights, privileges, benefits, and membership status in the Employees' Retirement System as other unclassified employees in the state service.

Section 2. All other employees necessary to carry out the duties and functions of the Alabama Film Office shall be employed subject to the provisions of the merit system law. The State Personnel Board, with the assistance of the Director of the Alabama Development Office, shall establish positions as needed in the classified service for the employees of the Alabama Film Office.

Section 3. If the director or a classified employee of the Alabama Film Office has previously served as an independent contractor of the Alabama Film Office, and desires to purchase prior service credit for time in the Employees' Retirement System after becoming an active and contributing member of the retirement system under this act, he or she shall pay to the secretary-treasurer of the retirement system in a lump sum within five years from the effective date of this act, the full cost of the employer and employee contributions necessary to purchase the prior service credit as determined by the actuary for the retirement system based on the current compensation or final average compensation of the employee, whichever is greater.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 84; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (M), Box, Boyd, Burke, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dukes, Flowers, Fuller, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, Melton, Millican, Minnifield, Mitchell, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Perdue, Petelos, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, Warren, White and Willis.

-84

And the bill:

H. 382. Providing for the creation of an unclassified position for the Director of the Alabama Film Office, and for the hiring of necessary staff under provisions of the state merit system and for certain benefits and holidays for the employees.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 84; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Collins, Crigler, Curry, Dean, Dukes, Flowers, Ford, Fuller, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Perdue, Petelos, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, Warren and Willis.

-84

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Sanderson, the Budget Isolation Resolution relating to the bill, H. 970, was adopted.

Yeas 86; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Boyd, Burke, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Fuller, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Townsend, Turnham, Vance, Venable, Warren, Willis and Wren.

-86

And the bill:

H. 970. To further provide for the lump sum payment of life insurance proceeds to a beneficiary and the payment of interest thereon for deaths of insureds occurring on or after January 1, 1996; and to provide for the timely payment of the life insurance proceeds to a beneficiary and certain exceptions.

was taken up.

AMENDMENT OFFERED

Representative Sanderson offered the following amendment to the bill, H. 970:

Amend House Bill No. 970 Page 2 Line 20, as follows: After the word "interest", delete the following: "at a rate not less than the then current legal rate of interest pursuant to Section 8-8-1 of the Code of Alabama 1975" and insert in lieu thereof the following: "equal to that which the insurer pays on funds held by it on deposit"

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 90; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Boyd, Burke, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Ford,

Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Layson, Letson, Lindsey, Maull, McAdory, McClammy, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-90

And the bill:

H. 970. To further provide for the lump sum payment of life insurance proceeds to a beneficiary and the payment of interest thereon for deaths of insureds occurring on or after January 1, 1996; and to provide for the timely payment of the life insurance proceeds to a beneficiary and certain exceptions.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 91; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Boyd, Burke, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Townsend, Turnham, Vance, Venable, Warren, Willis and Wren.

-91

BUDGET ISOLATION RESOLUTION OFFERED

Representative Reed offered the motion to adopt the Budget Isolation Resolution relating to the bill, H. 604.

TIME TO DEBATE EXPIRED

In accordance with the resolution, H.R. 401, the time to debate the bill, H. 604, and the pending Budget Isolation Resolution expired and the Speaker proceeded to the next bill on the Special Order Calendar.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Rogers (M), the Budget Isolation Resolution relating to the bill, H. 842, was adopted.

Yeas 86; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Boyd, Burke, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Vance, Venable, Warren, White, Willis and Wren.

-86

And the bill:

H. 842. (With Amendment): To provide that the term "physician" as used in the Alabama Rules of Civil Procedure providing for the use of the deposition of a physician in court proceedings in a civil action shall include a Doctor of Chiropractic Medicine.

was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Judiciary, said committee amendment being as follows:

Amend H. 842 on Page 1, Line 15, after the word "Chiropractic" delete the following word: ~~Medicine~~

Further amend H. 842, Page 1, Line 24, after the word "Chiropractic" delete the following word: ~~Medicine~~

Further amend H. 842, Page 2, Line 5, after the word "Chiropractic" delete the following word: ~~Medicine~~

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 84; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Boyd, Burke, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Vance, Venable, Warren, White, Willis and Wren.

-84

And the bill:

H. 842. To provide that the term "physician" as used in the Alabama Rules of Civil Procedure providing for the use of the deposition of a physician in court proceedings in a civil action shall include a Doctor of Chiropractic.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 86; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Boyd, Burke, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Starkey, Thomas (D), Townsend, Turner, Vance, Venable, Warren, White, Willis and Wren.

-86

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Hooper, the Budget Isolation Resolution relating to the bill, H. 477, was adopted.

Yeas 82; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Gaines, Gaston, Gipson, Guin, Hall (A), Hamilton, Hammett, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Mitchell, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Venable, Warren, White, Willis and Wren.

-82

And the bill:

H. 477. To repeal Sections 28-3-220 to 28-3-226, inclusive, Code of Alabama 1975, in their entirety.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 84; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Fuller, Gaines, Gaston, Gipson, Guin, Hall (A), Hamilton, Hammett, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Vance, Venable, Warren, White, Willis and Wren.

-84

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 597. To authorize Alabama Public School and College Authority to sell and issue one hundred fifty million dollars (\$150,000,000.00) aggregate principal amount of additional bonds for capital improvements for public educational purposes including purchasing, constructing, improving, renovating, and equipping public school buildings; to provide funds to the Alabama Public School and College Authority to be allocated for special and critical needs as determined by the Governor's Task Force on Critical Needs in concert with the superintendents of the local boards of education; to provide funds for a supplementary allocation to those school systems where the findings of the Governor's Task Force on Critical Needs totaled less than the funds each school system would receive through an allocation method based on the average daily membership for the first forty scholastic days of the school year 1994-95; to provide funds to replace pre-1978 school buses routinely used by certain city and county boards of education; to provide funds for public school buildings which have been destroyed by fire or natural disaster; to provide funds for special and critical needs as determined by the Alabama Public School and College Authority; to provide for the reallocation of any unexpended funds after a specified period of time; to authorize the Authority to reimburse the Building Commission, Department of Finance and Treasurer's Office for costs incurred in the administration of the business of the Authority; to authorize the Authority to establish procedures and requirements to ensure compliance with any tax covenants with which the Authority must comply; to provide for the details of the bonds and for the terms of sale thereof; to make an appropriation and pledge for payment of the principal of and interest on the bonds of proceeds from specified excise taxes to the extent necessary to pay the principal and interest at their respective maturities; to authorize the Authority to pledge for payment of the principal of and interest on the bonds the monies so appropriated and pledged; to provide that the bonds shall be limited obligations of the Authority payable solely out of the funds so appropriated and pledged and will not create a debt or obligation of the State; to provide that the bonds and the income therefrom shall be exempt from taxation in this State and the bonds may be used to secure deposits of funds of this State and its political subdivisions, instrumentalities and agencies, and for investment of fiduciary funds; to exempt the Authority and the bonds from the usury laws; to authorize the issuance by the Authority of refunding bonds for the purpose of refunding the principal and interest of any then outstanding bonds theretofore issued by the Authority and the expenses of such refunding and any premiums necessary to retire those so refunded; to provide that after payment of the expenses of the issuance of the bonds the proceeds from the sale thereof shall be disbursed on orders or warrants issued by or under the direction of the Authority for the purposes for which the Bonds are authorized to be issued; to provide for the timely expenditure of the proceeds from the sale of the Bonds; and provide that if any portion of this Act

should be held invalid such holding shall not affect the validity of any other portion thereof.

McDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Fuller, the House non-concurred in the Senate amendment to the bill, H. 597, and requested the Speaker appoint a Committee on Conference on the disagreement of the two Houses, said Senate amendment being as follows:

**A BILL
TO BE ENTITLED
AN ACT**

To authorize Alabama Public School and College Authority to sell and issue two hundred twenty-five million dollars (\$225,000,000.00) aggregate principal amount of additional bonds for capital improvements for public educational purposes including purchasing, constructing, improving, renovating, and equipping public school buildings; to provide funds to the Alabama Public School and College Authority to be allocated for special and critical needs as determined by the Governor's Task Force on Critical Needs in concert with the superintendents of the local boards of education; to provide funds for a supplementary allocation to those school systems where the findings of the Governor's Task Force on Critical Needs totaled less than the funds each school system would receive through an allocation method based on the average daily membership for the first forty scholastic days of the school year 1994-95; to provide funds for public school buildings which have been destroyed by fire or natural disaster; to provide funds for special and critical needs as determined by the Alabama Public School and College Authority, based upon schools and school systems identified as in need of assistance; to provide funds for the Youth Services Board; to provide funds to the Youth Services Board to make local capital improvement grants; to provide funds to the Board of Trustees of the Alabama Institute for the Deaf and Blind; to provide funds to the State Board of Education for capital improvements for facilities to serve students who need assistance in addition to the general education program; to provide funds for public institutions of higher education; to provide funds for capital improvements to each local board of education through an allocation method based on the foundation program allowance for other current expense for fiscal year 1995-96 and such allocation shall be included in the hold harmless allowance calculation for fiscal year 1995-96; to provide for the reallocation of any unexpended funds after a specified period of time; to authorize the Authority to reimburse the Building Commission, Department of Finance and Treasurer's Office for costs incurred in the administration of the business of the Authority; to authorize the Authority to establish procedures and requirements to ensure compliance with any tax covenants with which the Authority must comply; to

provide for the details of the bonds and for the terms of sale thereof; to make an appropriation and pledge for payment of the principal of and interest on the bonds of proceeds from specified excise taxes to the extent necessary to pay the principal and interest at their respective maturities; to authorize the Authority to pledge for payment of the principal of and interest on the bonds the monies so appropriated and pledged; to provide that the bonds shall be limited obligations of the Authority payable solely out of the funds so appropriated and pledged and will not create a debt or obligation of the State; to provide that the bonds and the income therefrom shall be exempt from taxation in this State and the bonds may be used to secure deposits of funds of this State and its political subdivisions, instrumentalities and agencies, and for investment of fiduciary funds; to exempt the Authority and the bonds from the usury laws; to authorize the issuance by the Authority of refunding bonds for the purpose of refunding the principal and interest of any then outstanding bonds theretofore issued by the Authority and the expenses of such refunding and any premiums necessary to retire those so refunded; to provide that after payment of the expenses of the issuance of the bonds the proceeds from the sale thereof shall be disbursed on orders or warrants issued by or under the direction of the Authority for the purposes for which the Bonds are authorized to be issued; to provide for the timely expenditure of the proceeds from the sale of the Bonds; and provide that if any portion of this Act should be held invalid such holding shall not affect the validity of any other portion thereof.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Definitions. Wherever used in this Act, the following terms shall have the following meaning respectively, unless the context clearly indicates otherwise:

"1965 Act" means Act No. 243 enacted at the 1965 First Special Session of the Legislature, codified as Title 16, Chapter 16, Code of Alabama 1975.

"1971 Acts" means Act No. 94 enacted at the 1971 First Special Session of the Legislature, Act No. 2428 enacted at the 1971 Regular Session of the Legislature, and Act No. 56 enacted at the 1971 Second Special Session of the Legislature.

"1973 Act" means Act No. 1277 enacted at the 1973 Regular Session of the Legislature as amended by Act No. 73 enacted at the 1975 Third Special Session of the Legislature and Act No. 1223 enacted at the 1975 Regular Session of the Legislature.

"1978 Act" means Act No. 138 enacted at the 1978 Second Special Session of the Legislature, as amended by Act No. 79-41 enacted at the 1979 Regular Session of the Legislature and Act No. 81-827 enacted at the 1981 Regular Session of the Legislature.

"1985 Act" means Act No. 943 enacted at the 1985 Second Special Session of the Legislature.

"1990 Act" means Act No. 280 enacted at the 1990 Regular Session of the Legislature.

"Authority" means Alabama Public School and College Authority.

"Bonds" (except where that word is used with reference to bonds issued under another act) means those bonds, other than refunding bonds, issued under the provisions of this Act.

"Capital Improvements" means buildings containing classrooms, offices, libraries, laboratories, clinical or teaching facilities, dormitories, vocational education facilities, cafeterias, alternative schools, technological equipment, physical education facilities, research facilities, related campus improvements and land as sites therefor, together with equipment therefor, and school buses. The term "Capital Improvements" does not include textbooks, office supplies, or school supplies used by the educational entities referred to in Section 2 of this Act, or any of their personnel or students.

"Commission" means the building commission created by section 41-9-140 and its successors as the state agency for awarding construction contracts and supervising construction.

"Government Securities" means any bonds or other obligations which as to principal and interest constitute direct obligations of, or are unconditionally guaranteed by, the United States of America, including obligations of any federal agency to the extent such obligations are unconditionally guaranteed by the United States of America and any certificates or any other evidences of an ownership interest in such obligations of, or unconditionally guaranteed by, the United States of America or in specified portions thereof (which may consist of the principal thereof or the interest thereon).

"Legislature" means the Legislature of Alabama.

"Permitted Investments" means (i) Government Securities; (ii) bonds, debentures, notes or other evidences of indebtedness issued by any of the following agencies: Bank for Cooperatives; Federal Intermediate Credit Banks; Federal Financing Bank; Federal Home Loan Banks; Federal Farm Credit Bank; Export-Import Bank of the United States; Federal Land Banks, or Farmers Home Administration or any other agency or corporation which has been or may hereafter be created by or pursuant to an act of the Congress of the United States as an agency or instrumentality thereof; (iii) bonds, notes, pass through securities or other evidences of indebtedness of Government National Mortgage Association and participation certificates of Federal Home Loan Mortgage Corporation; (iv) full faith and credit obligations of any state, provided that at the time of purchase such obligations are rated at least "AA" by Standard & Poor's Corporation and at least "Aa" by Moody's Investors service; (v) public housing bonds issued by public agencies or municipalities and fully secured as to the payment of both principal and interest by contracts with the United States of America, or temporary notes,

preliminary notes or project notes issued by public agencies or municipalities, in each case fully secured as to the payment of both principal and interest by a requisition or payment agreement with the United States of America; (vi) time deposits evidenced by certificates of deposit issued by banks or savings and loan associations which are members of the Federal Deposit Insurance Corporation, provided that, to the extent such time deposits are not covered by federal deposit insurance, such time deposits (including interest thereon) are fully secured by a pledge of obligations described in clauses (i), (ii), (iii), and (v) above, which at all times have a market value not less than the amount of such bank time deposits required to be so secured and which meet the greater of 100% collateralization or the "AA" collateral levels established by Standard & Poor's Corporation for structured financings; (vii) repurchase agreements for obligations of the type specified in clauses (i), (ii), (iii), and (v) above, provided such repurchase agreements are fully collateralized and secured by such obligations which have a market value at least equal to the purchase price of such repurchase agreements which are held by a depository satisfactory to the State Treasurer in such manner as may be required to provide a perfected security interest in such obligations, and which meet the greater of 100% collateralization or the "AA" collateral levels established by Standards & Poor's Corporation for structured financings; and (viii) uncollateralized investment agreements with, or certificates of deposit issued by, banks or bank holding companies, the senior long-term securities of which are rated at least "AA" by Standard & Poor's Corporation and at least "Aa" by Moody's Investors Service.

"Refunding Bonds" means those refunding bonds issued under the provisions of this Act.

"State" means the State of Alabama.

Nouns and pronouns when used in this Act shall be deemed to include both singular and plural and all applicable genders.

SECTION 2. Authorization to Issue Additional Bonds and Purposes Thereof. The Authority is hereby authorized to sell and issue its Bonds in the aggregate principal amounts of two hundred twenty-five million dollars (\$225,000,000.00) for the purpose of purchasing, constructing, improving, renovating, and equipping public elementary/secondary school facilities and facilities for the Alabama Institute for the Deaf and Blind, the Department of Youth Services and public institutions of higher education; for the Youth Services Board to make local capital improvement grants; and including the cost of architectural services therefor and services rendered by building inspectors for periodic and final inspections therefor. The Bonds authorized in this Act to be issued by the Authority shall be in addition to all other bonds previously authorized to be issued by it, and the powers conferred on the Authority by this Act are in addition to all other powers heretofore conferred on the Authority by acts heretofore enacted by the Legislature.

SECTION 3. Execution and Other Details of the Bonds. The Bonds shall be signed by the president or vice-president of the Authority, and the seal of the

corporation shall be affixed thereto (or a facsimile thereof imprinted thereon) and attested by its secretary. All signatures of the president, vice-president, and secretary may be facsimile signatures if the Authority, in its proceedings with respect to issuance, provides for manual authentication (which may be in the form of a certificate as to registration) of the Bonds by a trustee, registrar or paying agent or by named individuals who are employees of the State and who are assigned to the Finance Department or State Treasurer's Office of the State. All Bonds bearing signatures or facsimiles of the signatures of officers of the Authority in office on the date of signing thereof shall be valid and binding notwithstanding that before the delivery thereof and payment therefor, any officer whose signature appears thereon shall have ceased to be an officer of the Authority. The Bonds and the income therefrom shall be exempt from all taxation in the State, may be used as security for deposits, and shall be eligible for investments of fiduciary funds, as provided in the 1965 Act. The Bonds shall be construed to have all the qualities and incidents of negotiable instruments subject to any registration provisions pertaining to transfers. The Authority and the Bonds shall be exempt from all laws of the State governing usury including, without limitation, the provisions of Title 8, Chapter 8, Code of Alabama 1975, or any subsequent statute of similar import. The Bonds shall be in such form or forms and denomination or denominations and of such tenor and maturities, shall bear such rate or rates of interest payable and evidenced in such manner, may be made subject to redemption prior to their maturities, and may contain provisions not inconsistent with this Act, all as may be provided by the resolution of the Authority under which the Bonds may be issued; provided, that no Bonds shall have a specified maturity date later than twenty years after their date; and provided further, that those Bonds having maturities more than ten years after their date shall be subject to redemption at the option of the Authority on any interest payment date on and after the tenth anniversary after their date at such redemption price and under such conditions as may be prescribed in the proceedings of the Authority under which they are issued. For the purpose of paying the principal of, premium, if any, and interest on the Bonds or any Refunding Bonds, the Authority shall designate the State Treasurer or such bank or banks with its principal office within the State as it, in its discretion, determines to be appropriate and desirable. Funds for the payment of debt service shall be transferred by the Authority or the State Treasurer on behalf of the Authority to the designated paying agent on the actual due date of such principal, premium, if any, or interest.

SECTION 4. Sale of the Bonds. The Bonds may be sold by the Authority from time to time in series, and if sold in more than one series, may all be authorized in one initial resolution of the Authority with the pledges therefor made by the Authority in such initial resolution although some of the details applicable to each series may be specified in the respective resolutions under which the different series are issued. The Authority, in the course of establishing, by resolution, a principal amount of Bonds to be authorized for sale at any given time, or to be sold in any series, may take into account the existence of any unexpended proceeds or prior issues of bonds of the Authority (and of any other issuer, if such should be deemed by the Authority to be relevant), and may structure the portions of the allocations (provided for in Section 8 of this Act) to be distributed from the

proceeds of a particular series (constituting less than all the Bonds authorized by this Act) as the Authority deems necessary or prudent in order to enable the Authority to comply with any tax covenants that may be required of it, or that may be deemed by it to be prudent to be given by it, in connection with sale of any series of the Bonds. Each series of the Bonds shall be sold at competitive bid and at such price or prices and at such time or times as the Authority may consider advantageous. Bonds sold by competitive bid must be sold, whether on sealed bids or at public auction, to the bidder whose bid reflects the lowest effective borrowing cost to the Authority on the series of the Bonds being sold; provided, that if no bid acceptable to the Authority is received it may reject all bids. Notice or summary notice of each such sale by competitive bids shall be given by publication in either a financial journal or a financial newspaper published in the City of New York, New York, and also by publication in a newspaper published in the State which is customarily published not less often than five days during each calendar week, each of which notices must be published at least one time not less than ten days prior to the date fixed for the sale or, in the event no bid acceptable to the Authority is received at any such sale and the Bonds so offered are thereafter reoffered on the same terms and conditions, not less than five days prior to the date fixed for sale. The Authority may fix the terms and conditions under which the sale of any series of the Bonds may be held; provided, that the terms and conditions shall not conflict with any requirements of this Act. Approval by the Governor of Alabama of the terms and conditions under which any Bonds may be issued shall be requisite to their validity. Neither a public hearing nor consent of the State Department of Finance or any other department or agency shall be a prerequisite to the issuance of any of the Bonds.

SECTION 5. Appropriation of Revenues to the Authority; Pledge Thereof for the Benefit of the Bonds. For the purpose of providing for payment of the principal of, premium, if any, and interest on the Bonds and to accomplish the objects of this Act, there is hereby irrevocably pledged to those purposes, and hereby appropriated, the amount that may be necessary for those purposes from the following sources:

(a) The residue of the receipts from the excise tax ("the utility gross receipts tax") levied by Title 40, Chapter 21, Article 3, Code of Alabama 1975, as amended ("Article 3"), remaining after payment of the expenses of administration and enforcement of Article 3, being that portion of the tax that is required by Article 3 to be deposited in the State Treasury to the credit of the Alabama Special Educational Trust Fund, after there shall have been taken from the residue the amount necessary to pay at their respective maturities the principal of and interest on those bonds issued by the Authority under the 1971 Acts, the 1973 Act, the 1978 Act, the 1985 Act, or the 1990 Act that may be outstanding at the time of the delivery of the respective series of the Bonds authorized herein;

(b) The residue of the receipt from the excise tax ("the utility service use tax") levied by Title 40, Chapter 21, Article 4, Code of Alabama 1975 ("Article 4"), remaining after payment of the expenses of administration and enforcement of Article 4, being that portion of the tax that is required by Article 4 to be deposited

in the State Treasury to the credit of the Alabama Special Educational Trust Fund, after there shall have been taken from the residue the amount necessary to pay at their respective maturities the principal of and interest on those bonds issued by the Authority under the 1971 Acts, the 1973 Act, the 1978 Act, the 1985 Act, or the 1990 Act that may be outstanding at the time of the delivery of the respective series of the Bonds authorized herein;

(c) The residue of the receipts from the license tax ("the lease tax") levied on those engaging in the business of leasing or renting tangible personal property levied by Title 40, Chapter 12, Article 4, Code of Alabama 1975 ("Chapter 12, Article 4"), remaining after payment of the expenses of administration and enforcement of Chapter 12, Article 4, being that portion of the tax that is required by Chapter 12, Article 4 to be deposited in the State Treasury to the credit of the Alabama Special Educational Trust Fund, after there shall have been taken from the residue the amount necessary to pay at their respective maturities the principal of and interest on those bonds issued by the Authority under the 1971 Acts, the 1973 Act, the 1978 Act, the 1985 Act, or the 1990 Act that may be outstanding at the time of the delivery of the respective series of the Bonds authorized herein;

(d) To the extent and to the extent only that the revenues appropriated in the foregoing subsections (a), (b), and (c) of this Section may not be sufficient to pay at their respective maturities the principal of, premium, if any, and interest on the Bonds, the residue of the receipts from the excise tax ("the sales tax") levied by Title 40, Chapter 23, Article 1, Division 1, Code of Alabama 1975, as amended ("Article 1"), after there shall have been taken from the residue the amounts appropriated for other educational purposes in Section 40-23-35, Code of Alabama 1975 (which residue constitutes that portion of the receipts from the sales tax that is now required by law to be paid into the Alabama Special Educational Trust Fund), and after there shall have been taken from the residue amounts sufficient to meet all prior charges on the residue including such amounts as may be necessary to pay at their respective maturities the principal of and interest on those bonds issued by the Authority under the 1965 Act, the 1971 Acts, the 1973 Act, the 1978 Act, the 1985 Act, or the 1990 Act that may be outstanding at the time of the delivery of the respective series of the Bonds authorized herein; and

(e) To the extent and to the extent only that the revenues appropriated in the foregoing subsections (a), (b), (c), and (d) of this Section may not be sufficient to pay at their respective maturities the principal of, premium, if any, and the interest on the Bonds, the residue of the receipts from the excise tax ("the use tax") levied by Title 40, Chapter 23, Article 2, Code of Alabama 1975, as amended ("Article 2"), after there shall have been taken from the residue the amount necessary to meet the expenses of the State Department of Revenue in collecting the use tax (which residue constitutes that portion of the receipts from the use tax that is now required by law to be paid into the Alabama Special Educational Trust Fund), and after there shall have been taken from the residue such amounts as may be necessary to meet all prior charges on the use tax including the amounts sufficient to pay at their respective maturities the principal of and interest on those outstanding bonds referred to in subsection (d) of this Section.

All monies hereby appropriated and pledged shall constitute a sinking fund for the purpose of paying the principal of, premium, if any, and interest on the Bonds. The State Treasurer is authorized and directed to pay at their respective maturities the principal of, premium, if any, and interest on the Bonds out of this fund and out of the residues of the tax receipts herein appropriated and pledged for the benefit of the Bonds, and he or she is authorized and directed to set up and maintain appropriate records pertaining thereto.

SECTION 6. Bonds to be Payable Solely out of the Revenues Appropriated; Authorization for Authority to Pledge Such Revenues for the Bonds. The Bonds shall not be general obligations of the Authority but shall be limited obligations payable solely out of the residues of the tax receipts appropriated and pledged in Section 5 of this Act. All Bonds issued by the Authority pursuant to the provisions of this Act shall be solely and exclusively obligations of the Authority and shall not constitute or create an obligation or debt of the State. As security for the payment of the principal of, premium, if any, and interest on the Bonds, the Authority is hereby authorized and empowered to pledge the residues of the tax receipts that are appropriated and pledged in Section 5 hereof for such purposes. All such pledges made by the Authority shall take precedence in the order of the adoption of the resolutions containing the pledges. All such pledges shall be prior and superior to any pledges that may be made for any refunding bonds hereafter issued by the Authority under the provisions of any of the 1965 Act, the 1971 Acts, the 1973 Act, the 1978 Act, the 1985 Act, the 1990 Act, or any other act heretofore enacted.

SECTION 7. Refunding Bonds. For the purpose of refunding any Bonds or Refunding Bonds of the Authority issued under the provisions of this Act, the 1965 Act, the 1971 Acts, the 1973 Act, the 1978 Act, the 1985 Act, the 1990 Act or any other act previously enacted, or any combination thereof, whether the refunding shall occur before, at or after the maturity of the bonds refunded and for the purpose of paying all premiums and expenses of the refunding (including, but not limited to, attorneys' fees, costs of printing the Refunding Bonds, fiscal agents' fees, and accountants' fees), the Authority is hereby authorized to sell and issue its Refunding Bonds. Such Refunding Bonds may be sold and issued from time to time, at either public or private sale, and on such other terms and conditions as the Authority shall determine to be advantageous and shall adopt and provide for in its proceedings for the sale and issuance of such Refunding Bonds; provided, however, that no Refunding Bonds shall be issued unless the present value of all debt service on the Refunding Bonds (computed with a discount rate equal to the true interest rate of the Refunding Bonds and taking into account all underwriting discount and other issuance expenses) shall not be greater than 97 percent of the present value of all debt service on the Bonds to be refunded (computed using the same discount rate and taking into account the underwriting discount and other issuance expenses originally applicable to such Bonds) determined as if such bonds to be refunded were paid and retired in accordance with the schedule of maturities (considering mandatory redemption as scheduled maturity) provided at the time of their issuance. Provided further that the average maturity of the Refunding Bonds, as measured from the date of issuance of such Refunding

Bonds, shall not exceed by more than three years the average maturity of the Bonds to be refunded, as also measured from such date of issuance, with the average maturity of any principal amount of Bonds to be determined by multiplying the principal of each maturity by the number of years (including any fractional part of a year) intervening between such date of issuance and each such maturity, taking the sum of all such products, and then dividing such sum by the aggregate principal amount of Bonds for which the average maturity is to be determined. Such Refunding Bonds shall be subrogated and entitled to all priorities, rights and pledges to which the Bonds refunded thereby were entitled. For the purpose of providing funds to enable the Authority to pay at their respective maturities the principal of, premium, if any, and interest on the Refunding Bonds issued under this Act, the Authority is hereby authorized to pledge irrevocably for such purpose, and there is hereby appropriated for such purpose, such amount as may be necessary of the residues of the receipts from the excise taxes pledged and appropriated in subsections (a), (b), (c), (d), and (e) of Section 5 of this Act, any reserves or sinking funds established by the Authority, as well as revenues of the Authority from any other sources specified in the proceedings wherein the Refunding Bonds are authorized to be issued. Pending the application of the proceeds of Refunding Bonds issued in accordance with this Section, the proceeds, together with investment earnings therefrom, and amounts in any sinking fund, together with investment earnings thereon, may be held by the State Treasurer as treasurer of the Authority in trust, or may be deposited by the State Treasurer in trust, on such terms as the State Treasurer and the Authority shall approve, with a trustee or escrow agent, which trustee or escrow agent shall be a banking institution or trust company authorized to exercise trust powers in Alabama, for investment in Permitted Investments. Proceeds of Refunding Bonds shall be so invested and applied as to assure that the principal, interest, and redemption premium, if any, on the Bonds being refunded shall be paid in full on the respective maturity, redemption, or interest payment dates. Refunding Bonds issued by the Authority shall not be general obligations of the Authority but shall be payable solely from the sources specified in this Act and in the proceedings where the Refunding Bonds are authorized to be issued. All Refunding Bonds issued by the Authority shall be solely and exclusively obligations of the Authority and shall not create debts of the State of Alabama. The faith and credit of the State of Alabama shall never be pledged for the payment of any Refunding Bonds issued by the Authority under this Act. The Authority may contract with respect to the safekeeping and application of the Refunding Bonds proceeds and other funds included therewith and the income therefrom including the right to appoint a trustee which may be any trust company or state or national bank having powers of a trust company within and/or without the State. All other provisions of this Act shall apply to the Refunding Bonds issued hereunder except (a) the limitation contained in Section 2 of this Act on the amount of Bonds that may be issued under this Act and (b) the provisions of Section 8 of this Act. All pledges made by this Act or by the Authority pursuant to the provisions of this Act, for the benefit of Refunding Bonds issued under this Act, and all such pledges for the benefit of Refunding Bonds which may be issued to refund any bonds issued under any of the 1965 Act, the 1971 Acts, the 1973 Act, the 1978 Act, the 1985 Act, the 1990 Act or this Act, shall take precedence in the order of the adoption of the

resolutions authorizing the issuance of such Refunding Bonds whether issued under this Act or under any other act. Bonds refunded prior to their maturity with the proceeds of Refunding Bonds shall be defeased if the Authority, in its proceedings regarding issuance of the Refunding Bonds provides for and establishes a trust or escrow fund comprised of monies or Government Securities, or both, sufficient to pay, when due, the entire principal of, premium, if any, and interest on the refunded bonds; provided, that such Government Securities shall not be subject to redemption prior to their maturities other than at the option of the holder thereof. Upon the establishment of such a trust or escrow fund, the refunded bonds shall no longer be deemed to be outstanding, shall no longer be secured by the funds pledged therefor in Section 5 of this Act, shall no longer be obligations of the Authority and shall be secured solely by and payable from monies and Government Securities deposited in such trust or escrow fund.

SECTION 8. Use of Bond Proceeds. The proceeds derived from each sale of the Bonds shall be deposited in the State Treasury and shall be carried in a separate fund therein for the account of the Authority, which shall pay therefrom the expenses of issuance thereof. The expenses of issuance of the Bonds shall be prorated among the recipients listed in the Act of the proceeds from the sale of the Bonds in proportions they receive allocations of the proceeds thereunder. The proceeds from the sale of the Bonds remaining after payment of the expenses of issuance thereof shall be retained in the fund and, until they are paid out, shall be invested by the State Treasurer at the direction of the Authority in Permitted Investments which mature at such time or times as the Authority shall direct. Monies in the fund (whether original proceeds from the sale of the Bonds or principal proceeds of matured Permitted Investments) shall be paid out from time to time in orders or warrants issued by or on the direction of the Authority for any one or more of the purposes specified in Section 2 of this Act that may be deemed by the Authority to be most advantageous to the State, and such monies shall be allocated and expended by the Authority, subject to all the provisions of this Act, in the amounts set out as follows:

(a) One hundred twenty-five million dollars (\$125,000,000) for elementary-secondary school systems to be allocated pursuant to the findings of the Governor's Task Force on Critical Needs in concert with the prioritized list of needs provided by the superintendents of the local boards of education. Each superintendent of education from the 127 local boards of education will submit appropriate requests with documentation as established by the Alabama Public School and College Authority. Such documentation will include, but not be limited to, architectural analysis and cost estimates of the critical need to be addressed and funded. The Alabama Public School and College Authority will review the request in concert with the data collected by the Governor's Task Force on Critical Needs and award the funding where appropriate.

(b) Three million five hundred thousand dollars (\$3,500,000) shall be available for a supplementary allocation to those school systems where the findings of the Governor's Task Force on Critical Needs totaled less than the funds each school system would receive through an allocation method based on the average daily membership (ADM) for the first forty scholastic days of the school year 1994-95.

(c) Five million dollars (\$5,000,000) shall be allocated to certain city or county boards of education as determined by the Authority for repair and/or replacement of, and equipment for, public school buildings which have been destroyed by fire or natural disaster.

(d) As the Governor's Task Force on Critical Needs was but a survey to determine the approximate amount needed to repair the critical needs of the schools, eighteen million dollars (\$18,000,000) shall be allocated for special and critical needs as determined by the Alabama Public School and College Authority, to be based upon those schools and school systems that are identified as in need of assistance, pursuant to Section 3 of House Bill 466 (Public Education Accountability Plan) of the 1995 Regular Session. The Alabama School of Math and Science shall be eligible to receive allocations at the discretion of the Alabama Public School and College Authority from this sub-section and any such distribution may be expended to pay for existing debt service.

(e) Fifteen million dollars (\$15,000,000) to be allocated to the Youth Services Board, which shall be expended upon the approval of the Board for capital improvements for the Department of Youth Services.

(f) Five million dollars (\$5,000,000) to be allocated to the Youth Services Board to be used to make local capital improvement grants to local communities, comprised of one or more local governing bodies. Local capital improvement grants for at least five regional youth treatment centers shall be funded by the Board. Any remaining funds may be used by the Board to fund local capital improvement grants for boot camps. In awarding local capital improvement grants, the Youth Services Board shall require local communities to: (1) submit applications, including plans for regional youth centers and/or boot camps; (2) provide operating funds for the regional youth treatment centers and/or boot camps; and (3) reduce commitments to the Department of Youth Services.

All records, contracts and other information related to the expenditure of funds in subsections (e) and (f) of this Section shall be provided by the Department of Youth Services to the Authority, upon the request of the Authority.

(g) Eight million five hundred thousand dollars (\$8,500,000) shall be allocated at the discretion of the Authority for capital improvements for facilities to serve students who need assistance in addition to the general education program, upon application by local boards of education. The State Superintendent of Education shall submit to the Authority its recommendations for the expenditure of funds provided for in this subsection and the Authority shall consider the recommendations in making the allocations of these funds.

The Authority may establish additional criteria for the allocation of funds in this subsection, which may include required local matching funds, assumption of operating costs or other forms of cost sharing.

(h) Two million dollars (\$2,000,000) shall be allocated to the Board of Trustees of the Alabama Institute for the Deaf and Blind to provide funding for capital improvements at the Institute.

(i) Twenty-five million dollars (\$25,000,000) shall be available for an allocation for Capital Improvements to local boards of education through an allocation method based on the foundation program allowance for other current expense as determined for fiscal year 1995-96. Notwithstanding the provisions of Section 5(b) of Act 95-314 as enacted by the Legislature in the 1995 Regular Session of the Legislature, only for fiscal year 1995-96 the foundation program state allocation shall be deemed to include the funds allocated to each local board of education pursuant to this sub-section.

(j) Eighteen million dollars (\$18,000,000) for public institutions of higher education to be allocated as follows:

1. University of Alabama System

a. University of Alabama..... \$ 2,105,368

b. University of Alabama at Birmingham..... \$ 3,487,438

c. University of Alabama in Huntsville..... \$ 705,299

2. Alabama A&M University..... \$ 521,514

3. Alabama State University..... \$ 535,973

4. Athens State College..... \$ 133,504

5. Auburn University System..... \$ 3,632,907

6. Jacksonville State University..... \$ 510,770

7. Livingston University..... \$ 166,987

8. University of Montevallo..... \$ 265,137

9. University of North Alabama..... \$ 371,778

10. University of South Alabama..... \$ 1,271,083

11. Troy State University System

a. Troy State University..... \$ 384,664

b. Troy State University at Dothan..... \$ 90,185

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c. Troy State University in Montgomery.....	\$ 84,683
12. State Board of Education - Postsecondary College System.....	\$ 3,469,093
13. State Board of Education - Postsecondary College System/Prison Education.....	\$ 203,178
14. State Board of Education - Alabama Firefighters Personnel Standards and Education Commission/Alabama State Fire College.....	\$ 60,439

(k) In expending proceeds from the sale of the Bonds according to the allocations set out in this Section, the Authority may take into account the existence of any unexpended proceeds of prior issues of bonds of the Authority (and of any other issuer, if such should be deemed by the Authority to be relevant), and may establish such procedures and requirements respecting use of unexpended proceeds of such prior issues by any recipient of any allocation thereof as a precondition to allocation to such recipient of proceeds of any of the Bonds, as the Authority deems necessary or prudent in order to enable the Authority to comply with any tax covenants that may have been required of it, or that may have been deemed by it to be prudent to be given by it, in connection with the sale of any series of the Bonds.

(l) Four years following the allocation of the proceeds of the Bonds, as provided herein, the Authority shall review any unexpended proceeds and shall, at its sole discretion, determine if said remaining proceeds shall revert to the Authority for reallocation under Section 8, subparagraph (d) of this Act.

Notwithstanding any of the foregoing and in addition to all powers heretofore granted to the Authority, the Authority is hereby expressly authorized to use the proceeds derived from the sale of bonds in accordance with the provisions of Section 2 of this Act. The preparation of all plans and specifications for any building constructed wholly or in part with any of the money realized from this issue and all work done hereunder in regard to the construction, reconstruction, alteration and improvement of buildings shall be supervised by the Commission, or any agency which may be designated by the legislature as its successor, and the Authority shall reimburse the Commission for its reasonable direct costs in having plans, specifications and contract documents prepared and in supervising and inspecting the work. Additionally the Authority is hereby expressly permitted to pay to the Department of Finance and the State Treasurer's Office from time to time and from any funds available to the Authority, amounts to offset costs incurred in the administration of the business of the Authority. The cost of such compensation shall be prorated among the recipients of any of the bond proceeds in the same manner as the expenses of issuance are prorated in this section.

Since the amount of proceeds needed to meet the needs listed in Section 8, subsection (a) through (j) has been estimated, if such estimates are insufficient,

said needs shall be allocated on a prorata basis. Conversely, if there are funds remaining after addressing the needs listed in Section 8, subsection (a) through (j), said remainder shall, at its sole discretion, be allocated by the Alabama Public School and College Authority.

SECTION 9. Maintain Federal Tax Exempt Status. The Authority shall have the power to make such payments to the United States of America as the directors deem necessary to cause the interest on any bonds of the Authority to be and remain exempt from federal income taxation. The Authority shall have the power to make agreements respecting the investment of funds of the Authority necessary in order that the interest income on bonds of the Authority be and remain exempt from federal income taxation.

SECTION 10. Notwithstanding any provision of this Act or the 1965 Act, in appointing, employing, or contracting with attorneys, fiscal advisers, trustees, paying agents, investment bankers, banks and underwriters, the Authority shall appoint, employ or contract only with firms whose principal offices are located without and/or within Alabama.

SECTION 11. Severability. In the event any section, sentence, clause or provision of this Act shall be declared invalid by a court of competent jurisdiction, that action shall not affect the validity of the remaining sections, sentences, clauses, or provisions of this Act, which shall continue effective.

SECTION 12. Effective Date. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Yeas 90; Nays 2.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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Nay:

Representatives Houston and Minnifield.

- 2

COMMITTEE ON CONFERENCE APPOINTED

The Speaker appointed as a Committee on Conference on the part of the House, Representatives Fuller, Curry and Kennedy on the disagreement of the two Houses on the Senate amendment to the bill, H. 597.

SPECIAL ORDER CALENDAR RESUMED

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Johnson (R), the Budget Isolation Resolution relating to the bill, H. 921, was adopted.

Yeas 73; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Burke, Carothers, Collins, Dean, Dolbare, Dukes, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hammett, Haney, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Petelos, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren and Willis.

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NOTICE IN WRITING FILED

Representative Hammett filed the following Notice in Writing:

Notice is hereby given in accordance with the House Rules that on the next legislative day a motion will be made to amend the House Rules as follows:

Amend Rule 35 by deleting the existing rule in its entirety and inserting in lieu thereof the following language:

Rule 35. Any bill that makes an appropriation from state revenue shall be treated as a general bill.

Any bill providing for or dealing with pari-mutuel betting, gambling or games of chance, any bill providing for or dealing with an environmental issue, and any bill providing for or dealing with inter-county annexation shall also be treated as a general bill.

Further, a local bill creating a new pari-mutuel betting or gambling facility, or affecting an existing facility, shall first be assigned to the appropriate local legislation committee, and if receiving a favorable report from said committee, shall then be assigned to an appropriate standing committee.

H. 921 TAKEN UP

And the bill:

H. 921. (With Amendment): To amend Section 12-17-220 of the Code of Alabama 1975, relating to powers of district attorneys; to provide that the Legislature may be local law provide for the disciplining of persons employed by the district attorneys of this state.

was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on State Administration, said committee amendment being as follows:

Amend House Bill 921 on page 1, line 22 by striking the word "be" and inserting in lieu thereof the following: by

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 80; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Boyd, Burke, Carns, Carothers, Collins, Crigler, Dean, Dolbare, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Mitchell, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Reed, Robinson, Rogers (M), Sanderford, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren and Willis.

AMENDMENT OFFERED

Representative Johnson (R) offered the following amendment to the bill, H. 921, as amended:

On page 1, line 4, delete "attorneys of this state" and insert the following: attorney in Talladega County

On page 1, lines 23 and 24, delete "attorneys of this state" and insert the following: attorney in Talladega County

On page 2, line 9, after "law" insert the following: for Talladega County

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 89; Nays 1.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Boyd, Burke, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

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Nay:

Representative Dolbare.

- 1

And the bill:

H. 921. To amend Section 12-17-220 of the Code of Alabama 1975, relating to powers of district attorneys; to provide that the Legislature may by local law provide for the disciplining of persons employed by the district attorney in Talladega County.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 89; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Boyd, Burke, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, McAdory, McClammy, McDaniel, McKee, Melton, Millican, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Petelos, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-89

H. 210 TAKEN UP

And the bill:

H. 210. To amend Sections 8-8-15, 12-17-224, 13A-9-13.1, and 13A-9-13.2, Code of Alabama 1975, relating to the service charge for worthless checks and worthless negotiable instruments.

which was carried over on the twenty-third legislative day was taken up.

SUBSTITUTE OFFERED

Representative Hill offered the following substitute to the bill, H. 210:

A BILL TO BE ENTITLED AN ACT

To amend Sections 8-8-15, 12-17-224, 13A-9-13.1, and 13A-9-13.2, Code of Alabama 1975, relating to the service charge for worthless checks and worthless negotiable instruments.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 8-8-15, 12-17-224, 13A-9-13.1, and 13A-9-13.2, Code of Alabama 1975, are amended to read as follows:

"§8-8-15.

"Any lender of money, extender of other credit, or merchant making a sale of merchandise, goods, or services, or the assignee of ~~such~~ the lender, extender of credit, or merchant who receives a check, draft, negotiable order of withdrawal, or like instrument drawn on a bank or other depository institution given by any person in full or partial repayment of a loan, other extension of credit, or a sale of merchandise, goods, or services may, if ~~such~~ the instrument is not paid or is dishonored by ~~such~~ the institution, charge and collect, through regular billing procedure or otherwise, from the borrower, person to whom the credit was extended, or from whom the instrument was received, a bad check charge of not more than the greater of either ~~\$20~~ twenty-five dollars (\$25) or an amount equal to the actual charge by the depository institution for the return of unpaid or dishonored instruments.

"Charges imposed in connection with the dishonor of a negotiable instrument shall not be deemed interest finance or other charge made as an incident to or as a condition to the grant of the loan or other extension of credit and shall not be included in determining the limit on charges which may be made in connection with the loan or extension of credit as provided in this section or in any other law of this state."

"§12-17-224.

"(a) Each district attorney ~~is hereby authorized and empowered to may~~ establish in his discretion, a special services division of his office which shall be under his the direction and control of the district attorney, and shall be organized for the following uses and purposes:

"(1) A section of the special services division of each ~~such~~ district attorney's office may be organized as a worthless check unit. Each district attorney who elects to establish ~~said~~ the unit shall assign sufficient staff and resources to effectively operate ~~said~~ the unit. The worthless check unit of the special services division of the district attorney's office shall be created for the purpose of processing worthless checks.

"(2) Procedures:

"a. Complaint referrals. -- After following the requisites of section 13A-9-13.1, any party holding a worthless negotiable instrument may present a "complaint" to the worthless check unit of the special services division of the district attorney's office. Upon receipt of ~~such~~ the complaint, ~~said~~ the complaint shall be evaluated by the worthless check unit, under the direction of the district attorney, to determine whether or not ~~said~~ the complaint is appropriate to be processed by the worthless check unit.

"1. Guidelines to be used in the determination of whether a complaint has been appropriately filed may include, but are not limited to, the following:

"(i) The amount of the check as recited in the complaint;_

"(ii) Whether the defendant has a prior criminal record of violations involving issuing worthless checks;_

"(iii) The number of checks previously received by the district attorney on this particular defendant;_

"(iv) Whether the defendant has any worthless check charges pending;_and_

"(v) The strength of the evidence of intent to defraud the victim.

"2. Complaint withdrawals. -- If after filing a "complaint" with the worthless check unit the victim wishes to withdraw the complaint for good cause, the victim shall satisfy the service charge of ~~\$30.00~~ twenty-five dollars (\$25) to the worthless check unit for processing ~~said the~~ complaint.

"b. Notice. -- After approval of the complaint, a warrant may be issued by an appropriate warrant magistrate, and the warrant may be held by the worthless check unit. After issuance of a warrant or upon approval of a complaint by the worthless check unit, the unit shall notify the individual charged with violating section 13A-9-13.1 by issuing a notice to ~~such the~~ individual that a warrant has been issued for ~~his~~ arrest or that a complaint has been received by the worthless check unit. ~~Said The~~ notice may be sent by mail. ~~Such The~~ notice shall inform ~~said the~~ accused that he or she may be eligible for deferred prosecution for violation of section 13A-9-13.1 by voluntarily surrendering ~~himself~~ to the worthless check unit within 10 business days from the date of the notice.

"c. Voluntary surrender. -- Upon voluntary surrender, the accused may be presented with the warrant or complaint and prosecution of same may be deferred upon payment of restitution and the service charge for processing the check, to the worthless check unit. Upon election by the worthless check unit, the accused may sign a restitution agreement which shall contain the terms by which the restitution and the service charge may be paid.

"d. Nonsurrender. -- If, after receiving ~~said the~~ notice, the accused shall not voluntarily surrender ~~himself~~ to the worthless check unit within the 10 business days prescribed in ~~said the~~ notice, ~~said the~~ violation shall be prosecuted in accordance with applicable laws and procedures.

"e. Fees and restitution.

"1. Definitions.

"(i) Fees. -- The worthless check unit of the special services division of the district attorney's office may charge a service charge in the stated amount in the following circumstances:

"I. In those cases where the accused has been notified by mail that a warrant has been issued and ~~same~~ may be criminally prosecuted unless ~~he~~ the accused voluntarily surrenders ~~himself~~ to the worthless check unit within 10 business days from the date of said the notice, and if ~~such~~ an accused voluntarily surrenders ~~himself~~ pursuant to said the notice within the ~~aforsaid~~ 10 business days, the worthless check unit may collect the sum of ~~\$40.00~~ forty dollars (\$40) from the accused as a service charge for processing said the check. This service charge shall be increased in the same dollar amount as the court cost charged by the district court of said the judicial circuit for violations of section 13A-9-13.1 when said the court cost shall be increased.

"II. In those cases when the accused does not appear within 10 business days from the date of the notice issued to the accused, or if no restitution agreement is made, or if the accused does not comply with the restitution agreement, the case may be prosecuted in accordance with applicable laws and procedures. Upon appearance of said the accused in the district or circuit court of said the judicial circuit or the equivalent thereof and upon a finding of guilt or a plea of guilty, the court shall order the accused to satisfy an additional service charge equal to 85% of the court cost levied by the court for said the offense. This amount shall not be in lieu of, but shall be in addition to, court costs assessed by the district or circuit court for said the violation. Further, said the service charge is to be paid to the general fund of the county to be disbursed pursuant to this section and shall not decrease any amounts allotted to any county or state agency from the court costs collected by the district or circuit court.

"(ii) Restitution. -- Restitution shall be defined as the face amount of any negotiable instrument, {in the event of the issuance of a forged or altered instrument, restitution shall be in the amount to which the instrument was changed or altered}, plus any amounts the victim may have been required to pay to a bank as a result of having attempted to process the worthless instrument and the service charge of ~~not more than \$20.00~~ authorized by sections 13A-9-13.1 through 13A-9-13.3 for the holder of a worthless check.

"I. Upon filing a complaint with the worthless check unit, the victim waives the right to collect restitution directly from the defendant.

"II. Restitution agreements. -- After an accused has been sent notification by mail of the warrant issued for his arrest and upon voluntarily surrendering ~~himself~~ to the worthless check unit, the worthless check unit may enter into a restitution agreement with the accused as to the terms by which the accused shall satisfy restitution and fees to the worthless check unit. The terms of said the restitution agreements shall be determined on a case by case basis by the worthless check unit, but the duration of any said agreement shall be no longer than a period of six months. No interest may be charged or collected on either restitution or fees charged. Said The restitution agreement shall be signed by the accused and ~~must~~ shall be ratified by the worthless check unit before it is effective. If the accused does not honor each term of the signed restitution agreement ~~signed by him~~, the district attorney's office may proceed with the prosecution of the accused as provided by law.

"2. Collection and distribution.

"(i) Restitution. -- Restitution shall be collected by the worthless check unit and deposited into an account maintained solely for ~~such~~ that purpose. The worthless check unit shall, after a reasonable time for accounting and bookkeeping purposes, disburse to the victim all restitution collected with regard to the original complaint filed.

"(ii) If the victim cannot be located after a reasonable time and ~~upon~~ diligent efforts ~~to locate same~~, the restitution due ~~said~~ the victim shall be deposited into the worthless check fund as herein provided.

"(iii) Fees. -- All fees or charges, other than court costs, collected by the worthless check unit in accordance with this section shall be paid to the county treasurer of ~~said~~ the county in a fund to be known as the worthless check fund. Sixty-five percent of funds collected pursuant to subsection (a)(2)e1(i)l of this section shall be used and expended by the district attorney to defray the reasonable expenses incurred by the office of the district attorney. The district attorney is ~~hereby authorized to~~ may requisition and expend these funds for those purposes. The treasurer of the county shall make disbursements of ~~said~~ the funds upon requisition of the district attorney. Provided further, this paragraph shall not reduce the amount payable to the district attorney under any local act, specifically Act No. 83-483. Thirty-five percent of ~~said~~ the funds shall be used by the county for the reasonable expenses incurred in the administration of ~~said~~ the program. All of the funds collected pursuant to subsections (a)(2)e1(i)ll and (a)(2)e1(ii) shall be deposited in the general fund of the county and shall be expended only for the reasonable and necessary expenses of law enforcement.

"(b) This section shall in no way prohibit or preclude the office of the district attorney from proceeding with the prosecution of any violation of section 13A-9-13.1 as provided by applicable law and procedures heretofore enacted."

"§13A-9-13.1.

"(a) A person commits the crime of negotiating a worthless negotiable instrument if ~~he~~ the person negotiates or delivers a negotiable instrument for a thing of value and with the intent, knowledge, or expectation that it will not be honored by the drawee.

"(b) For the purposes of this section, it is prima facie evidence that the maker or drawer intended, knew, or expected that the instrument would not be honored ~~if in any of the following instances:~~

"(1) The maker or drawer had no ~~such~~ account with the drawee at the time the negotiable instrument was negotiated or delivered, as determined according to section 7-3-503(2); ~~or.~~

"(2) Payment was refused by the drawee for lack of funds, upon presentation within 30 days after delivery, and the maker or drawer shall not have paid the holder thereof the amount due thereon, together with a service charge of not more than ~~\$20.00~~ twenty-five dollars (\$25), within 10 days after receiving written notice from the holder of the instrument that payment was refused upon ~~such~~ the instrument, as provided in section 13A-9-13.2; ~~or~~.

"(3) Notice that payment was refused is mailed by certified or registered mail and is returned undelivered to the sender, when ~~such~~ the notice is mailed within a reasonable time after dishonor to the address printed on the instrument or given by the maker or drawer at the time of issuance of the instrument.

"(c) Negotiating a worthless negotiable instrument is a Class A misdemeanor.

"(d) The definition of "negotiable instrument" in section 7-3-104 applies to this section and sections 13A-9-13.2 and 13A-9-13.3.

"(e) The definition of "negotiation" in section 7-3-202 applies to this section and sections 13A-9-13.2 and 13A-9-13.3.

"(f) The definition of 'delivery' in section 7-1-201(14) applies to this section and sections 13A-9-13.2 and 13A-9-13.3."

"§13A-9-13.2.

"For purposes of section 13A-9-13.1:

"(1) Notice mailed by certified or registered mail, evidenced by return receipt, to the address printed on the instrument or given at the time of issuance shall be deemed sufficient and equivalent to notice having been received by the person making, drawing, uttering, or delivering ~~said~~ the instrument.

"(2) The form of notice shall be substantially as follows:

"This statutory notice is provided pursuant to section 13A-9-13.2 of the Alabama Code. You are hereby notified that a check or instrument numbered _____, apparently issued by you on _____ (date), drawn upon _____ (name of bank), and payable to _____, has been dishonored. Pursuant to Alabama law, you have 10 days from receipt of this notice to tender payment of the full amount of such check or instrument plus a service charge of not more than ~~\$20.00~~ twenty-five dollars (\$25), the total amount due being \$_____. Unless this amount is paid in full within the specified time above, the holder of ~~such~~ the check or instrument may assume that you delivered the instrument with intent to defraud and may turn over the dishonored instrument and all other available information relating to this incident to the proper authorities for criminal prosecution."

"(3) Any party holding a worthless negotiable instrument and giving notice in substantially similar form to that provided in subdivision (2) of this section shall be immune from civil or criminal liability for the giving of ~~such~~ the notice and for proceeding under the forms of ~~such~~ the notice."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 85; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Boyd, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Willis.

-85

And the bill:

H. 210. To amend Sections 8-8-15, 12-17-224, 13A-9-13.1, and 13A-9-13.2, Code of Alabama 1975, relating to the service charge for worthless checks and worthless negotiable instruments.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 66; Nays 4.

Yea:

Mr. Speaker, Allen, Black (M), Carothers, Clouse, Crigler, Curry, Dean, Dukes, Flowers, Fuller, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Haney, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Letson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Moore, Morrison, Morrow, Morton,

Murphree, Newton (C), Page, Papucci, Parker (P), Petelos, Robinson, Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Warren, White and Willis.

-66

Nay:

Representatives Dolbare, Gaines, Payne and Penry.

- 4

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Hogan, the Budget Isolation Resolution relating to the bill, H. 887, was adopted.

Yeas 85; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Fuller, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Letson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Reed, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, White and Willis.

-85

And the bill:

H. 887. To make an appropriation of \$50,000 from the State General Fund to the Alabama Mining Museum for the fiscal year ending September 30, 1996, and to require an operations plan and an audited financial statement prior to release of any funds.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 83; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Fuller, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Parker (T), Payne, Petelos, Reed, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Thomas (J), Turner, Turnham, Vance, Venable, White and Willis.

-83

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Reed, the Budget Isolation Resolution relating to the bill, H. 649, was adopted.

Yeas 61; Nays 0.

Yea:

Mr. Speaker, Bandy, Black (M), Boyd, Burke, Buskey, Carns, Clark (W), Collins, Crigler, Dean, Dukes, Fuller, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Johnson (E), Kennedy, Knight (A), Knight (J), Layson, Letson, Lindsey, McAdory, McClammy, McMillan, Melton, Mitchell, Morrow, Murphree, Newton (C), Newton (D), Parker (T), Penry, Petelos, Reed, Rogers (J), Sanderson, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Vance, Venable, White and Willis.

-61

And the bill:

H. 649. (With Substitute): To make an appropriation from the Special Educational Trust Fund in the State Treasury to Tuskegee University, in the amount of five million dollars (\$5,000,000), for the fiscal year ending September 30, 1995, to be used for the repair and replacement of burned-out facilities on campus.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To make a conditional appropriation from the Special Educational Trust Fund in the State Treasury to Tuskegee University, in the amount of \$5,000,000, for the fiscal year ending September 30, 1995, to be used for the repair and replacement of burned-out facilities on campus.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The sum of \$5,000,000, is appropriated from the Special Educational Trust Fund in the State Treasury to Tuskegee University for the fiscal year ending September 30, 1995, to be used for the repair and replacement of burned-out facilities on campus. The appropriation made in this section is conditioned upon the availability of funds in the Alabama Special Educational Trust Fund, the recommendation of the Director of Finance, and the approval of the Governor.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 67; Nays 0.

Yea:

Mr. Speaker, Bandy, Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Collins, Dean, Dukes, Fuller, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Johnson (E), Johnson (R), Kennedy, Knight (A), Knight (J), Layson, Letson, Lindsey, McAdory, McClammy, McDaniel, McMillan, Melton, Minnifield, Morrison, Morrow, Morton, Murphree, Newton (D), Payne, Penry, Petelos, Reed, Robinson, Rogers (J), Sanderson, Sims, Smith, Spratt, Thomas (J), Townsend, Turner, Turnham, Vance, Venable, White and Willis.

And the bill:

H. 649. To make a conditional appropriation from the Special Educational Trust Fund in the State Treasury to Tuskegee University, in the amount of \$5,000,000, for the fiscal year ending September 30, 1995, to be used for the repair and replacement of burned-out facilities on campus.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 63; Nays 1.

Yea:

Mr. Speaker, Bandy, Black (M), Boyd, Burke, Buskey, Carns, Clark (W), Collins, Crigler, Dean, Dolbare, Dukes, Fuller, Gaines, Gaston, Graham, Guin, Hall (A), Hall (L), Hammett, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Kennedy, Knight (A), Knight (J), Letson, Lindsey, Maull, McAdory, McClammy, McMillan, Melton, Minnifield, Mitchell, Morrison, Morrow, Murphree, Newton (D), Papucci, Parker (P), Payne, Penry, Petelos, Reed, Robinson, Rogers (J), Rogers (M), Smith, Spratt, Thomas (J), Townsend, Turner, Vance, Venable and Willis.

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Nay:

Representative Seibenhener.

- 1

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Melton, the Budget Isolation Resolution relating to the bill, H. 544, was adopted.

Yeas 66; Nays 0.

Yea:

Mr. Speaker, Baker, Bandy, Black (M), Box, Boyd, Burke, Buskey, Clark (W), Collins, Crigler, Curry, Dolbare, Dukes, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hayden, Hill, Hilliard, Hogan, Houston, Jackson, Johnson (E), Jorgensen, Kennedy, Knight (A), Knight (J), Letson, Lindsey, Maull, McAdory, McClammy, McMillan, Melton, Millican, Minnifield, Mitchell, Morrison, Morrow, Morton, Murphree, Newton (D), Page, Parker (P), Payne, Penry, Petelos, Reed, Robinson, Rogers (J), Rogers (M), Sims, Smith, Spratt, Starkey, Thomas (J), Turner, Vance, Warren, White and Willis.

-66

And the bill:

H. 544. (With Amendment): To create the Alabama Commission on Historically Black Colleges and Universities; provide for creation of an advisory council; establish of a board of directors; provide for appointment to the board of directors; provide for the powers and duties of the commission; and appropriate \$2,000,000 from the Alabama Special Educational Trust Fund.

was taken up.

SUBSTITUTE OFFERED

Representative Melton offered the following substitute to the bill, H. 544, and to the pending amendment reported by the Standing Committee on Ways and Means:

A BILL TO BE ENTITLED AN ACT

To create the Alabama Commission on Historically Black Colleges and Universities; provide for creation of an advisory council; establish a board of directors; provide for appointment to the board of directors; provide for the powers and duties of the commission; and conditionally appropriate the sum of \$200,000 from the Alabama Special Educational Trust Fund.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The Legislature finds, determines, and declares the following:

(1) That there are historically black colleges and universities located in Alabama which include: Alabama A&M University, Alabama State University, Bishop State Community College, Lawson State Community College, J. F. Drake State Technical College, Trenholm State Technical College, Selma University, Stillman College, Talladega College, Tuskegee University, Carver Campus of Bishop State Community College, Southern Vocational College, and C. A. Fredd Campus of Shelton State Community College.

(2) That the historically black colleges and universities in Alabama contribute greatly to the work force, history, and culture of Alabama.

(3) That the historically black colleges and universities presently have a total of 28,676 students who are studying many varied disciplines that will result in a multiplicity of degrees.

(4) That the individual historically black colleges and universities can benefit from the knowledge gained by other historically black colleges and universities.

(5) That it will best serve all Alabamians to coordinate the common efforts of the historically black colleges and universities in Alabama.

Section 2. (a) There is created the Alabama Commission on Historically Black Colleges and Universities consisting of the historically black colleges and universities. The commission shall be composed of an advisory council which shall consist of the presidents of the historically black colleges and universities, and a board of directors. The seven-member board of directors who shall represent education, business, industry, and government shall be appointed as follows:

(1) Two members shall be appointed jointly by the presidents of the four-year colleges and universities.

(2) Two members shall be appointed jointly by the presidents of the two-year technical and academic two-year colleges.

(3) Three members shall be appointed by the Governor.

(b) Appointees to the board shall be subject to confirmation by the Senate, and after confirmation, serve for a term of four years. In the event of the death or resignation of any member of the board of directors, a successor shall be appointed by the person or entity that made the original appointment and the successor appointed to the vacancy shall serve for the remainder of the unexpired term. The board of directors, and the advisory council shall elect from their respective membership a chair and a vice chair at an organizational meeting held no later than 30 days after appointments to the board of directors are finalized.

(c) The board shall appoint an executive director who shall be provided with support personnel and technical assistance by the presidents. Office space will be located on the C. A. Fredd Campus of the Shelton State Community College.

Section 3. The advisory council to the commission shall promote the historically black colleges and universities in Alabama and seek to increase opportunities for the institutions to participate in and benefit from all federal financially assisted programs, particularly those agencies and departments which are covered by the President's initiatives on historically black colleges and universities.

Section 4. The commission shall help establish policies, programs, and standards which are within the jurisdiction of each institution, and the Alabama Commission on Higher Education, the Alabama State Board of Education, or other state agencies which affect each member of the commission.

Section 5. There is hereby conditionally appropriated the sum of \$200,000 from the the Alabama Special Educational Trust Fund to the Alabama Commission on Historically Black Colleges and Universities for the fiscal year ending September 30, 1995 for purposes of this act. The appropriation is conditioned upon the availability of funds in the Alabama Special Educational Trust Fund, the recommendation of the Finance Director and the approval of the Governor.

Section 6. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 7. All laws or parts of laws which conflict with this act are repealed.

Section 8. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 76; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Box, Boyd, Burke, Buskey, Clark (W), Collins, Curry, Dolbare, Dukes, Flowers, Gaines, Gaston, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Jorgensen, Kennedy, Knight (A), Layson, Letson, Lindsey, Maull, McAdory, McClammy, McKee, Melton, Millican, Minnifield, Mitchell, Morrison, Morrow, Morton, Murphree, Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Reed, Robinson, Rogers (J), Rogers (M), Sims, Smith, Spratt, Starkey, Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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And the bill:

H. 544. To create the Alabama Commission on Historically Black Colleges and Universities; provide for creation of an advisory council; establish a board of directors; provide for appointment to the board of directors; provide for the powers and duties of the commission; and conditionally appropriate the sum of \$200,000 from the Alabama Special Educational Trust Fund.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 69; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Clark (W), Curry, Dean, Dolbare, Dukes, Fuller, Gaston, Graham, Guin, Hall (A), Hall (L), Hammett, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston,

Jackson, Johnson (E), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, McAdory, McClammy, Melton, Millican, Minnifield, Mitchell, Morrison, Morrow, Morton, Murphree, Newton (D), Papucci, Parker (P), Parker (T), Penry, Petelos, Reed, Robinson, Rogers (J), Rogers (M), Sims, Smith, Spratt, Thomas (J), Turner, Turnham, Vance, Venable, Warren, White and Willis.

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MESSAGE FROM THE GOVERNOR

To The House of Representatives of Alabama
Alabama State House
Montgomery, Alabama 36130

Ladies and Gentlemen:

I transmit herewith to you a message from the Governor, returning House Bill No. 772, without the Governor's signature and with a suggested Executive Amendment.

Done this 20th day of July, 1995.

Respectfully submitted,

WILLIAM P. GRAY
Legal Advisor to the Governor

MESSAGE FROM THE GOVERNOR

To the House of Representatives of Alabama
Alabama State House
Montgomery, Alabama 36130

Ladies and Gentlemen:

I am returning to you, the body in which it originated, House Bill No. 772, without my signature but with the following suggested Executive Amendment:

EXECUTIVE AMENDMENT TO HOUSE BILL NUMBER 772

Please amend House Bill No. 772, as enrolled, as follows:

On page 1, line 25 delete Section 2 entirely, renumber Section 3 to read as Section 2, renumber Section 4 to read as Section 3, and insert Section 4 as follows:

"Section 4. After a matter has been transferred to the district attorney under Section 3, a court shall assess a collection fee of 30 percent of the funds due which shall be added to the amount of funds due. Any amount collected pursuant to this statute shall be distributed as follows:

(a) Seventy-five percent of the collection fee shall be distributed to the County District Attorney Fund to be expended for lawful purposes for the operation of the office of the district attorney. Funds provided to the district attorney by this act shall not reduce the amount payable to the district attorney under any local act or general act or reduce or affect the amounts of funding of the budget allocated by law. The funds shall be audited as all other state funds are audited.

(b) Twenty-five percent of the collection fee shall be distributed to the Circuit Clerk's Fund which shall be kept and maintained by the circuit clerk in a separate account to be used for the operation of the office of the clerk to include, but not be limited to, equipment purchases, education, and other office-related expenses including personnel. Funds retained by the circuit clerk shall not reduce the amount payable to the circuit clerk under any local act or general act or reduce or affect the amounts of funding of the budget of the circuit clerk allocated by the Administrative Office of Courts. The funds shall be audited as all other state funds are audited.

The remainder of the fees, fines, penalties, charges, court costs, and bail bond forfeitures after the deduction for collection shall be disbursed as provided by law on a monthly basis."

The adoption of the above-suggested Executive Amendment will remove my objections to this bill.

Done on this the 20th day of July, 1995.

Respectfully,

FOB JAMES, JR.
Governor

GOVERNOR'S MESSAGE

On motion of Representative White, the House concurred in and adopted the amendment proposed by His Excellency, the Governor, to the bill, H. 772, said Governor's amendment being set out in the foregoing Message from the Governor.

Yeas 86; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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SPECIAL ORDER CALENDAR RESUMED

BUDGET ISOLATION RESOLUTION OFFERED

Representative Laird offered the motion to adopt the Budget Isolation Resolution relating to the bill, H. 33.

TIME TO DEBATE EXPIRED

In accordance with the resolution, H.R. 401, the time to debate the bill, H. 33, and the pending Budget Isolation Resolution expired and the Speaker proceeded to the next bill on the Special Order Calendar.

BUDGET ISOLATION RESOLUTION OFFERED

Representative Hooper offered the motion to adopt the Budget Isolation Resolution relating to the bill, H. 332.

TIME TO DEBATE EXPIRED

In accordance with the resolution, H.R. 401, the time to debate the bill, H. 332, and the pending Budget Isolation Resolution expired and the Speaker proceeded to the next bill on the Special Order Calendar.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 921. To amend Section 12-17-220 of the Code of Alabama 1975, relating to powers of district attorneys; to provide that the Legislature may by local law provide for the disciplining of persons employed by the district attorney in Talladega County.

TOMMY CARTER
Chairman

And the bill, H. 921, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 842. To provide that the term "physician" as used in the Alabama Rules of Civil Procedure providing for the use of the deposition of a physician in court proceedings in a civil action shall include a Doctor of Chiropractic.

TOMMY CARTER
Chairman

And the bill, H. 842, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 970. To further provide for the lump sum payment of life insurance proceeds to a beneficiary and the payment of interest thereon for deaths of insureds occurring on or after January 1, 1996; and to provide for the timely payment of the life insurance proceeds to a beneficiary and certain exceptions.

TOMMY CARTER
Chairman

And the bill, H. 970, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 924. Relating the District Attorney's Office, Tenth Judicial Circuit, Jefferson County Birmingham Division; to provide for the appointment, duties, and compensation of deputy district attorneys; and to repeal the following acts: Act No. 523, H. 121, 1975 Regular Session (Acts 1975, p. 1174); Act No. 720, H. 1038, 1987 Regular Session (Acts 1987, p. 1410); Act No. 90-542, H. 637, 1990 Regular Session (Acts 1990, p. 842); and Act No. 93-567, H. 372, 1993 Regular Session (Acts 1993, p. 946); all relating to the office and compensation of the deputy district attorneys in the Tenth Judicial Circuit are specifically repealed.

TOMMY CARTER
Chairman

And the bill, H. 924, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 382. Providing for the creation of an unclassified position for the Director of the Alabama Film Office, and for the hiring of necessary staff under provisions of the state merit system and for certain benefits and holidays for the employees.

TOMMY CARTER
Chairman

And the bill, H. 382, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 975. Relating to the elected Assistant District Attorney's Office, Tenth Judicial Circuit, Jefferson County Bessemer Division; to provide for the appointment, duties, and compensation of deputy district attorneys; and to repeal the following acts: Act No. 245, H. 845, 1975 Regular Session (Acts 1975, p. 773); Act No. 87-721, H. 896, 1987 Regular Session (Acts 1987, p. 1411); Act No. 90-202, H. 449, 1990 Regular Session (Acts 1990, p. 237); and Act No. 93-648, S. 382, 1993 Regular Session (Acts 1993, p. 1119); all relating to the office and compensation of the deputy district attorneys in the Tenth Judicial Circuit Bessemer Division are specifically repealed.

TOMMY CARTER
Chairman

And the bill, H. 975, as engrossed, was ordered sent to the Senate.

SPECIAL ORDER CALENDAR RESUMED

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Hill, the Budget Isolation Resolution relating to the bill, H. 704, was adopted.

Yeas 80; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Box, Boyd, Burke, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dolbare, Dukes, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Thomas (D), Townsend, Turner, Vance, Warren and Willis.

And the bill:

H. 704. Providing for distinctive motor vehicle license tags or plates for supporters of the Alabama Sports Festival, Inc., prescribing the fees for the tags or plates; providing for the disposition of the net proceeds from the fees; and providing for a delayed effective date.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 80; Nays 1.

Yea:

Mr. Speaker, Allen, Baker, Box, Boyd, Burke, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Ford, Fuller, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (T), Payne, Petelos, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Vance, Warren, White and Willis.

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Nay:

Representative Black (M).

- 1

BUDGET ISOLATION RESOLUTION OFFERED

Representative McKee offered the motion to adopt the Budget Isolation Resolution relating to the bill, H. 721.

TIME TO DEBATE EXPIRED

In accordance with the resolution, H.R. 401, the time to debate the bill, H. 721, and the pending Budget Isolation Resolution expired and the Speaker proceeded to the next bill on the Special Order Calendar.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative McDaniel, the Budget Isolation Resolution relating to the bill, H. 907, was adopted.

Yeas 87; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Boyd, Burke, Carns, Carothers, Clark (W), Clouse, Collins, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Fuller, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Reed, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-87

S. 601 SUBSTITUTED FOR H. 907

In accordance with House Rule 20 and on motion of Representative McDaniel, the bill, S. 601, was substituted for the bill, H. 907.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative McDaniel, the Budget Isolation Resolution relating to the bill, S. 601, was adopted.

Yeas 90; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Carns, Carothers, Clark (W), Clouse, Collins, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Fuller, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Reed, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-90

And the bill:

S. 601. To add Section 40-18-31.1 to the Code of Alabama 1975, to provide a limited one-time election to foreign corporations commercially domiciled outside of Alabama, to confirm as proper their classification of dividends from subsidiaries not doing business in Alabama as nonbusiness income and therefore taxable by the state of their commercial domicile; and to provide an effective date.

was read a third time at length and passed.

Yeas 83; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Carns, Carothers, Clark (W), Clouse, Collins, Curry, Dean, Dolbare, Dukes, Flowers, Fuller, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawkins, Hayden, Hill, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Letson, Lindsey, Maull, McAdory, McClammy, McKee, McMillan, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-83

H. 907 INDEFINITELY POSTPONED

On motion of Representative McDaniel, the bill:

H. 907. To add Section 40-18-31.1 to the Code of Alabama 1975, to provide a limited one-time election to foreign corporations commercially domiciled outside of Alabama, to confirm as proper their classification of dividends from subsidiaries not doing business in Alabama as nonbusiness income and therefore taxable by the state of their commercial domicile; and to provide an effective date.

was indefinitely postponed.

MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Newton (D), House Rule 19 was suspended in order for him to handle the bill, H. 394, due to the absence of the sponsor.

BUDGET ISOLATION RESOLUTION OFFERED

Representative Hawk offered the motion to adopt the Budget Isolation Resolution relating to the bill, H. 394.

TIME TO DEBATE EXPIRED

In accordance with the resolution, H.R. 401, the time to debate the bill, H. 394, and the pending Budget Isolation Resolution expired and the Speaker proceeded to the next bill on the Special Order Calendar.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Thomas (D), the Budget Isolation Resolution relating to the bill, H. 743, was adopted.

Yeas 72; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Box, Boyd, Burke, Carns, Clouse, Collins, Crigler, Dean, Dukes, Flowers, Gaines, Galliher, Gaston, Graham, Guin, Hall (L), Hamilton, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Jorgensen, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Rogers (J), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Turnham, Vance, Willis and Wren.

-72

And the bill:

H. 743. To amend Section 32-5A-191.1 of the Code of Alabama 1975, relating to additional fines on persons convicted of offenses involving driving under the influence; and to provide for an increase of the fine.

was taken up.

AMENDMENT OFFERED

Representative Thomas (D) offered the following amendment to the bill, H. 743:

On page 2, line 14, after the period, delete the word "All" and insert in lieu thereof: Fifty percent of the

On page 2, line 17, after the word "inclusive" insert the following language: and fifty percent of the amount shall be credited to the State General Fund

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 82; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Boyd, Burke, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Laird, Layson, Letson, Lindsey, Maull, McAdory, McDaniel, McMillan, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Smith, Spratt, Starkey, Thomas (D), Townsend, Turnham, Vance, Venable, Warren, Willis and Wren.

-82

And the bill:

H. 743. To amend Section 32-5A-191.1 of the Code of Alabama 1975, relating to additional fines on persons convicted of offenses involving driving under the influence; and to provide for an increase of the fine.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 79; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Box, Boyd, Burke, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dukes, Flowers, Gaines, Gaston, Gipson, Graham, Guin, Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Laird, Layson, Letson, Lindsey, Maull, McAdory, McDaniel, McMillan, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (T), Payne, Penry, Perdue, Petelos, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turnham, Vance, Venable, Warren, White and Willis.

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CO-SPONSORS ADDED

The following were added as co-sponsors to the bill, H. 743:

Representatives Allen, Baker, Bandy, Boyd, Burke, Crigler, Dean, Dukes, Gaston, Gipson, Hall (L), Hammett, Hawkins, Hayden, Hilliard, Houston, Johnson (E), Jorgensen, Lindsey, McAdory, McDaniel, McMillan, Minnifield, Mitchell, Morrison, Papucci, Parker (P), Penry, Perdue, Rogers (J), Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Townsend, Vance and Venable.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 544. To create the Alabama Commission on Historically Black Colleges and Universities; provide for creation of an advisory council; establish a board of directors; provide for appointment to the board of directors; provide for the powers and duties of the commission; and conditionally appropriate the sum of \$200,000 from the Alabama Special Educational Trust Fund.

TOMMY CARTER
Chairman

And the bill, H. 544, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 649. To make a conditional appropriation from the Special Educational Trust Fund in the State Treasury to Tuskegee University, in the amount of \$5,000,000, for the fiscal year ending September 30, 1995, to be used for the repair and replacement of burned-out facilities on campus.

TOMMY CARTER
Chairman

And the bill, H. 649, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 210. To amend Sections 8-8-15, 12-17-224, 13A-9-13.1, and 13A-9-13.2, Code of Alabama 1975, relating to the service charge for worthless checks and worthless negotiable instruments.

TOMMY CARTER
Chairman

And the bill, H. 210, as engrossed, was ordered sent to the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 8. To amend Section 16-25-11.4, Code of Alabama 1975, to provide further for purchase of certain service credit in the Teachers' Retirement System.

McDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative White, the House concurred in and adopted the Senate amendment to the bill, H. 8, said Senate amendment being as follows:

A BILL
TO BE ENTITLED
AN ACT

Relating to the Teachers' Retirement System; to amend Section 16-25-11.4 of the Code of Alabama 1975, to provide further for purchase of credit for prior service rendered in the office of a circuit clerk, and to provide for purchase of credit for prior service as an employee of the Alabama State Employees Association.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 16-25-11.4, Code of Alabama 1975, is amended to read as follows:

§16-25-11.4.

"(a) Any acting and contributing member of the teachers' retirement system of Alabama may elect to purchase credit for ~~any prior service rendered as a full time full-time employment employee~~ in the office of a clerk of the circuit court in the state of Alabama or as a full-time employee with the Alabama State Employees Association provided ~~they comply~~ the member complies with the following conditions prescribed in this section.

"(b) Any employee electing to purchase credit under subsection (a) of this section shall pay to the secretary-treasurer of the teachers' retirement system within one year after October 1, ~~1989~~ 1995, a lump sum payment equal to a percentage of the current annual salary or final average compensation, whichever is greater, of ~~such the~~ member. The applicable percentage shall be the sum of the prevailing percentage rates of employer and member ~~contribution~~ contributions as required by the most recent actuarial valuation.

"(c) Anything in this section to the contrary notwithstanding, a member of the teachers' retirement system shall not receive credit for ~~such the~~ service where at the time of retirement he or she has credit or is entitled to receive any benefits whatsoever for the same service under any other retirement or pension plan which is wholly or partly funded from public funds; provided, however, that nothing herein shall be construed to apply to participation in the federal social security program. In the event of disqualification of ~~such the~~ service credit, contributions made under this section by the member shall be refunded to him or her."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Yeas 75; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clouse, Collins, Crigler, Dean, Dolbare, Dukes, Flowers, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Laird, Letson, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Murphree, Newton (C), Page, Papucci, Parker (T), Payne, Penry, Perdue, Robinson, Rogers (M), Sanderford, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turnham, Vance, Venable, Warren, White and Willis.

SPECIAL ORDER CALENDAR RESUMED**BUDGET ISOLATION RESOLUTION OFFERED**

Representative Petelos offered the motion to adopt the Budget Isolation Resolution relating to the bill, H. 207.

TIME TO DEBATE EXPIRED

In accordance with the resolution, H.R. 401, the time to debate the bill, H. 207, and the pending Budget Isolation Resolution expired and the Speaker proceeded to the next bill on the Special Order Calendar.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 238. To make an appropriation to the Department of Public Health in the amount of \$10,371,144 from the Alabama Special Educational Trust Fund for the fiscal year ending September 30, 1996, for educational purposes.

McDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 240. To make an appropriation of \$251,317 from the Alabama Special Educational Trust Fund to the Governor's Commission on Physical Fitness for the fiscal year ending September 30, 1996.

Also:

H. 241. To make an appropriation of \$23,158,459 from the Alabama Special Educational Trust Fund, an appropriation of \$2,170,000 from the Driver Impaired Trust Fund, and an appropriation of \$72,907,868 from Federal and Local Funds to the Department of Rehabilitation Services for the fiscal year ending September 30, 1996.

McDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 242. To make an appropriation of \$381,534 from the Alabama Special Educational Trust Fund to the Space Science Exhibit Commission for the fiscal year ending September 30, 1996, for educational purposes.

McDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senator Clay:

S. 479. Relating to operators of horse and greyhound racetracks; to authorize televised simulcast programming of racing events; to authorize operators to conduct pari-mutuel wagering on televised racing events; to allow participation in pari-mutuel pools; to provide rules for takeouts from pari-mutuel pools; to increase hours of operation for racetracks; and to repeal Section 11-65-32, Code of Alabama 1975.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 479. Tourism, Entertainment and Sports.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Mitchem:

S. 450. To amend Section 40-12-264, Code of Alabama 1975, relating to the issuance of dealer license plates; to allow a licensed motor vehicle wholesaler who is also licensed as a motor vehicle dealer to obtain dealer plates based on combined retail and wholesale sales of motor vehicles.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 450. Commerce, Transportation and Utilities.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Butler:

S. 361. To require cemeteries to post price lists for burial services and merchandise; to prohibit the use of misleading statements in the sale of cemetery property, burial lots, burial rights, burial services, or burial merchandise; and to provide criminal penalties.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 361. State Administration.

SPECIAL ORDER CALENDAR RESUMED

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Jackson, the Budget Isolation Resolution relating to the bill, H. 615, was adopted.

Yeas 82; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Box, Boyd, Burke, Buskey, Carns, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Ford, Gaines, Galliher, Gaston, Gipson, Guin, Hall (A), Hall (L), Hamilton, Hammett, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Payne, Penry, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Vance, Venable, White and Willis.

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And the bill:

H. 615. To exempt the Thomasville Civic Center Foundation from the payment of all state, county, and municipal sales and use taxes.

WHEREAS, the Thomasville Civic Center Foundation is a noteworthy charitable organization whose civic contributions to the state, county, and Thomasville area are too numerous to list; and

WHEREAS, even in these times of financial hardship, the Thomasville Civic Center Foundation justly deserves to be exempt from the state, county, and municipal sales and use taxes; now therefore,

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 72; Nays 0.

Yea:

Representatives Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Gaines, Galliher, Gaston, Gipson, Guin, Hall (L), Hamilton, Hammett, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E),

Kennedy, Knight (A), Knight (J), Laird, Letson, Lindsey, Maull, McAdory, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morton, Murphree, Newton (C), Papucci, Payne, Penry, Perdue, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Spratt, Thomas (D), Townsend, Vance, Venable and Willis.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Presiding Officer of the Senate having signed the following Senate Bill, your signature thereto is requested:

S. 601. To add Section 40-18-31.1 to the Code of Alabama 1975, to provide a limited one-time election to foreign corporations commercially domiciled outside of Alabama, to confirm as proper their classification of dividends from subsidiaries not doing business in Alabama as nonbusiness income and therefore taxable by the state of their commercial domicile; and to provide an effective date.

McDOWELL LEE
Secretary

SIGNING OF HOUSE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Report of the Standing Committee on Rules.

SPECIAL ORDER CALENDAR RESUMED

BUDGET ISOLATION RESOLUTION OFFERED

Representative Laird offered the motion to adopt the Budget Isolation Resolution relating to the bill, H. 476.

TIME TO DEBATE EXPIRED

In accordance with the resolution, H.R. 401, the time to debate the bill, H. 476, and the pending Budget Isolation Resolution expired and the Speaker proceeded to the next bill on the Special Order Calendar.

BUDGET ISOLATION RESOLUTION OFFERED

Representative Wren offered the motion to adopt the Budget Isolation Resolution relating to the bill, H. 393.

MOTION TO ADJOURN LOST

The motion offered by Representative Parker (P) that the House adjourn until 12:00 o'clock Noon, Tuesday, July 25, 1995, was lost.

SPECIAL ORDER CALENDAR RESUMED

BUDGET ISOLATION RESOLUTION ADOPTED

The question was then on the adoption of the Budget Isolation Resolution offered by Representative Wren to the bill, H. 393, and the Budget Isolation Resolution was adopted.

Yeas 86; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Curry, Dean, Dolbare, Dukes, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Letson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Millican, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (T), Payne, Petelos, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Vance, Venable, Warren, White, Willis and Wren.

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And the bill:

H. 393. To amend Section 1 of Act No. 94-614, S. 375, 1994 Regular Session (Acts 1994, p. 1132), now appearing as Section 32-6-360 of the Code of Alabama 1975, relating to distinctive license tags or plates bearing the words "Fraternal Order of Police"; and to provide that only active members of the Fraternal Order of Police would be eligible to receive the distinctive license tags.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 92; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Curry, Dean, Dolbare, Dukes, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Millican, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Vance, Venable, Warren, White, Willis and Wren.

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MOTION TO RECESS OFFERED

Representative Knight (A) offered the motion that the House recess from 5:30 o'clock p.m. until 7:00 o'clock p.m.

SUBSTITUTE MOTION TO ADJOURN LOST

The substitute motion offered by Representative Dolbare that the House adjourn until 12:00 o'clock Noon, Tuesday, July 25, 1995, was lost.

Yeas 43; Nays 43.

Yea:

Representatives Baker, Bandy, Black (L), Boyd, Buskey, Carns, Dean, Dolbare, Flowers, Graham, Guin, Hall (A), Hamilton, Hayden, Houston, Johnson (E), Jorgensen, Laird, Layson, Maull, McAdory, McMillan, Millican, Minnifield, Morrow, Morton, Newton (C), Parker (P), Parker (T), Payne, Perdue, Robinson, Rogers (J), Seibenhener, Smith, Starkey, Thomas (J), Vance, Venable, Warren, White, Willis and Wren.

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Nay:

Mr. Speaker, Allen, Black (M), Box, Burke, Carothers, Clouse, Collins, Dukes, Ford, Gaines, Galliher, Gaston, Hammett, Haney, Hawk, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Hooper, Johnson (R), Knight (A), Knight (J), Letson, Lindsey, McClammy, McDaniel, McKee, Mitchell, Moore, Morrison, Murphree, Newton (D), Page, Papucci, Penry, Sanderford, Sanderson, Sims, Spratt and Townsend.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Senators Amari, Davidson, Adams, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom:

S.J.R. 146. MOURNING THE DEATH OF JAMES EARL ALBRIGHT OF HUEYTOWN, ALABAMA.

Also:

By Senator Hill:

S.J.R. 147. COMMENDING JC MCCULLARS, THE 1995 OUTSTANDING FATHER OF THE YEAR.

McDOWELL LEE
Secretary

SENATE MESSAGE

The resolution, S.J.R. 146, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

Also:

The resolution, S.J.R. 147, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

RESOLUTIONS

The following resolution was introduced and distributed according to Joint Rule 11:

By Representative Allen:

H.R. 402. MOURNING THE DEATH OF FLOYD LEON HATTER OF BROOKWOOD, ALABAMA.

Also:

The following resolution was introduced:

By Representatives Hill, Knight (A) and Carns:

H.J.R. 403. COMMENDING CHIEF WINSTON M. BOUTWELL ON HIS RETIREMENT FROM THE NORTH SHELBY COUNTY FIRE AND EMERGENCY MEDICAL DISTRICT.

The resolution, H.J.R. 403, was read and referred to the Standing Committee on Rules.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Representatives Hill, Knight (A) and Carns:

H.R. 404. COMMENDING CHIEF WINSTON M. BOUTWELL ON HIS RETIREMENT FROM THE NORTH SHELBY COUNTY FIRE AND EMERGENCY MEDICAL DISTRICT.

Also:

The following resolution was introduced:

By Representative Layson:

H.J.R. 405. COMMENDING GLENDA RYAN ON HER RETIREMENT AS CHIEF CLERK OF THE PROBATE OFFICE IN PICKENS COUNTY.

The resolution, H.J.R. 405, was read and referred to the Standing Committee on Rules.

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

By Representative Layson:

H.R. 406. COMMENDING GLENDA RYAN ON HER RETIREMENT AS CHIEF CLERK OF THE PROBATE OFFICE IN PICKENS COUNTY.

Also:

By Representative Rogers (J):

H.R. 407. COMMENDING DR. W. J. JACKSON FOR MANY YEARS OF OUTSTANDING SERVICE.

Also:

The following resolutions were introduced:

By Representative Rogers (J):

H.J.R. 408. COMMENDING DR. W. J. JACKSON FOR MANY YEARS OF OUTSTANDING SERVICE.

The resolution, H.J.R. 408, was read and referred to the Standing Committee on Rules.

Also:

By Representative Rogers (J):

H.J.R. 409. HONORING THE MCCREARY, ROBINSON, AND WILLIAMS FAMILY ON THE OCCASION OF ITS 5TH FAMILY REUNION.

The resolution, H.J.R. 409, was read and referred to the Standing Committee on Rules.

Also:

By Representative McKee:

H.J.R. 410. CREATING THE EARLY CHILDHOOD SERVICES COUNCIL TO STUDY THE QUALITY OF CHILD CARE IN ALABAMA.

The resolution, H.J.R. 410, was read and referred to the Standing Committee on Rules.

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

By Representative Rogers (J):

H.R. 411. HONORING THE MCCREARY, ROBINSON, AND WILLIAMS FAMILY ON THE OCCASION OF ITS 5TH FAMILY REUNION.

Also:

By Representative Sims:

H.R. 412. COMMENDING HEIDI HALL FOR HER OUTSTANDING COMMUNITY ACHIEVEMENTS.

Also:

By Representative Sims:

H.R. 413. CONGRATULATING RAY FULGHAM AS EMPLOYEE OF THE YEAR FOR ALABAMA INDUSTRIES FOR THE BLIND.

Also:

By Representative Sims:

H.R. 414. CONGRATULATING MRS. VIRGINIA "GINGER" PARIS, THE 1995 PILOT CLUB TEACHER OF THE YEAR.

Also:

By Representative Sims:

H.R. 415. CONGRATULATING KATHRYN HIGHFIELD AS RECIPIENT OF THE 1995 TALLADEGA PILOT OF THE YEAR AWARD.

Also:

The following resolutions were introduced:

By Representative Hill:

H.R. 416. SUPPORTING BIRMINGHAM, ALABAMA'S REQUEST TO HOST THE SPRING BOARD OF DIRECTORS MEETING AND BUILDERS CONFERENCE IN THE YEAR 2000.

The resolution, H.R. 416, was read and referred to the Standing Committee on Rules.

Also:

By Representatives Lindsey, Burke and Black (M):

H.J.R. 417. CONGRATULATING KENNETH J. AND LEIGH C. TUCKER ON THE BIRTH OF TWIN BOYS, CLAYTON MICHAEL AND JACKSON TYLER, MAY 26, 1995.

The resolution, H.J.R. 417, was read and referred to the Standing Committee on Rules.

Also:

By Representative Hooper:

H.J.R. 418. RECOGNIZING DR. DONALD E. HOKE AS AN HONORARY CITIZEN OF THE STATE OF ALABAMA.

The resolution, H.J.R. 418, was read and referred to the Standing Committee on Rules.

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

By Representative Hooper:

H.R. 419. RECOGNIZING DR. DONALD E. HOKE AS AN HONORARY CITIZEN OF THE STATE OF ALABAMA.

Also:

By Representative Lindsey:

H.R. 420. MOURNING THE DEATH OF THE REVEREND ARTHUR HURSTON SMITH OF LINCOLN, ALABAMA.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 743. To amend Section 32-5A-191.1 of the Code of Alabama 1975, relating to additional fines on persons convicted of offenses involving driving under the influence; and to provide for an increase of the fine.

TOMMY CARTER
Chairman

And the bill, H. 743, as engrossed, was ordered sent to the Senate.

RESOLUTIONS

The following resolutions were introduced:

By Representatives Burke and Lindsey:

H.J.R. 421. CONGRATULATING SONNY AND KATHY BRASFIELD ON THE BIRTH OF THEIR DAUGHTER, SYDNEY KAY BRASFIELD.

The resolution, H.J.R. 421, was read and referred to the Standing Committee on Rules.

Also:

By Representative McKee:

H.J.R. 422. ESTABLISHING JULY 9, 1995, AS "COST OF GOVERNMENT DAY."

The resolution, H.J.R. 422, was read and referred to the Standing Committee on Rules.

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

By Representative Turnham:

H.R. 423. COMMENDING LARRY D. EASTERWOOD ON HIS RETIREMENT AND HIS OUTSTANDING RECORD OF PUBLIC SERVICE.

Also:

By Representatives Robinson and Hall (A):

H.R. 424. MOURNING THE DEATH OF BILL J. WILLIAMS OF BRIDGEPORT, ALABAMA.

Also:

By Representatives Collins and Turnham:

H.R. 425. COMMENDING JANE HOLLEY BURNETT OF VERNON, ALABAMA, ON THE OCCASION OF HER RETIREMENT.

Also:

By Representative Turnham:

H.R. 426. COMMENDING MRS. ATHA A. BEARD ON HER RETIREMENT FROM AUBURN UNIVERSITY.

Also:

The following resolutions were introduced:

By Representatives Penry and McMillan:

H.J.R. 427. RECOGNIZING AND SUPPORTING THE USS TECUMSEH ASSOCIATION.

The resolution, H.J.R. 427, was read and referred to the Standing Committee on Rules.

Also:

By Representative Hill:

H.J.R. 428. SUPPORTING BIRMINGHAM, ALABAMA'S REQUEST TO HOST THE SPRING BOARD OF DIRECTORS MEETING AND BUILDERS CONFERENCE IN THE YEAR 2000.

The resolution, H.J.R. 428, was read and referred to the Standing Committee on Rules.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Representatives Thomas (J), Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (J), Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren:

H.R. 429. HONORING THE MEMORY OF REPRESENTATIVE JENKINS BRYANT.

**DEDICATED
TO THE
MEMORY OF
JENKINS BRYANT, JR.
1923-1994**

**STATESMAN AND EDUCATOR
SERVED IN THE HOUSE OF REPRESENTATIVES 1982-1994**

Also:

The following resolutions were introduced:

By Representative Thomas (D):

H.J.R. 430. COMMENDING KEVIN HICKS FOR OUTSTANDING COURAGE AND BRAVERY.

The resolution, H.J.R. 430, was read and referred to the Standing Committee on Rules.

Also:

By Representatives McMillan, Venable, Graham, Crigler and Millican:

H.J.R. 431. CREATING A JOINT INTERIM COMMITTEE TO STUDY PERSONAL WATERCRAFT.

The resolution, H.J.R. 431, was read and referred to the Standing Committee on Rules.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Representative Laird:

H.R. 432. COMMENDING WOODLAND HIGH SCHOOL BETA CLUB FOR OUTSTANDING ACCOMPLISHMENT.

Also:

The following resolutions were introduced:

By Representative Laird:

H.J.R. 433. COMMENDING WOODLAND HIGH SCHOOL BETA CLUB FOR OUTSTANDING ACCOMPLISHMENT.

The resolution, H.J.R. 433, was read and referred to the Standing Committee on Rules.

Also:

By Representatives Melton, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (J), Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren:

H.J.R. 434. HONORING MRS. EMMA JEAN HOLMES MELTON ON THE OCCASION OF HER RETIREMENT ON JUNE 1, 1995.

The resolution, H.J.R. 434, was read and referred to the Standing Committee on Rules.

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

By Representative Turner:

H.R. 435. MOURNING THE DEATH OF HETTIE LUCY BAGBY VANN OF CITRONELLE, ALABAMA.

Also:

By Representative Turnham:

H.R. 436. COMMENDING MRS. BETTY DARITY OF MONTGOMERY, ALABAMA, ON THE OCCASION OF HER RETIREMENT, AUGUST 31, 1995.

Also:

The following resolution was introduced:

By Representative Dukes:

H.J.R. 437. COMMENDING COACH BOB SHUTTLEWORTH ON THE OCCASION OF HIS RETIREMENT.

The resolution, H.J.R. 437, was read and referred to the Standing Committee on Rules.

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

By Representative Dukes:

H.R. 438. COMMENDING COACH BOB SHUTTLEWORTH ON THE OCCASION OF HIS RETIREMENT.

Also:

By Representatives Melton, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (J), Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren:

H.R. 439. HONORING MRS. EMMA JEAN HOLMES MELTON ON THE OCCASION OF HER RETIREMENT, JUNE 1, 1995.

Also:

The following resolutions were introduced:

By Representatives Allen, Burke, Parker (T), Layson and Melton:

H.J.R. 440. COMMENDING WILLIAM L. LANGSTON FOR OUTSTANDING SERVICE.

The resolution, H.J.R. 440, was read and referred to the Standing Committee on Rules.

Also:

By Representative Hawkins:

H.J.R. 441. COMMENDING JAMES R. DAVIS, JR., OF HOOVER, ALABAMA, ON SCOUTING ACHIEVEMENTS.

The resolution, H.J.R. 441, was read and referred to the Standing Committee on Rules.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Representative Hawkins:

H.R. 442. COMMENDING JAMES R. DAVIS, JR, OF HOOVER, ALABAMA, ON SCOUTING ACHIEVEMENTS.

CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the House Bill and House Joint Resolutions mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 2:10 P.M. on July 24, 1995.

H.J.R. 340

H. 698

Delivered to the Governor at 2:42 P.M. on July 24, 1995.

H.J.R. 358	H.J.R. 376
H.J.R. 359	H.J.R. 377
H.J.R. 360	H.J.R. 379
H.J.R. 367	H.J.R. 382
H.J.R. 368	H.J.R. 384
H.J.R. 370	H.J.R. 386
H.J.R. 373	

GREG PAPPAS
Clerk

MOTION TO RECESS OFFERED

Representative Knight (A) offered the motion that the House recess until 7:00 o'clock p.m.

SUBSTITUTE MOTION TO ADJOURN ADOPTED

On substitute motion of Representative Hall (A), the House adjourned until 12:00 o'clock Noon, Tuesday, July 25, 1995.

Yeas 47; Nays 40.

Yea:

Representatives Baker, Bandy, Black (L), Boyd, Buskey, Clark (W), Crigler, Dean, Dolbare, Flowers, Graham, Guin, Hall (A), Hamilton, Haney, Hawkins, Hayden, Houston, Johnson (E), Jorgensen, Kennedy, Laird, Layson, Maull, McAdory, McMillan, Millican, Minnifield, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Reed, Robinson, Sanderford, Seibenhener, Smith, Starkey, Thomas (J), Turner, Turnham, Venable, Warren, White and Willis.

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Nay:

Mr. Speaker, Allen, Black (M), Box, Burke, Carothers, Clouse, Collins, Dukes, Ford, Gaines, Galliher, Gaston, Hall (L), Hammett, Hill, Hilliard, Hinshaw, Hogan, Hooper, Johnson (R), Knight (A), Knight (J), Letson, Lindsey, McClammy, McDaniel, Mitchell, Moore, Morrison, Murphree, Papucci, Petelos, Sanderson, Sims, Spratt, Thomas (D), Townsend, Vance and Wren.

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TWENTY-EIGHTH DAY

**House of Representatives
Montgomery, Alabama
Tuesday, July 25, 1995**

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Reverend Fred E. Zeigler, Jr., Capitol Heights United Methodist Church, Montgomery, Alabama.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Veonda Cooks, 8th Grade, Jones Valley Middle School, Birmingham, Alabama; Terrica Taylor, 9th Grade, Wenonah High School, Birmingham, Alabama; and Ilia Steward, 8th Grade, Nichols Middle School, Arlington, Texas.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the twenty-seventh legislative day and finds the same to be correct.

TOMMY CARTER
Chairman

On motion of Representative Ford, the reading at length of the Journal of the House for the twenty-seventh legislative day was dispensed with.

LEAVES OF ABSENCE

At the request of Representative Ford, leave of absence was granted for Representative Carter.

Also:

At the request of Representative Knight (J), leave of absence was granted for Representative Holmes.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 252. To make an appropriation of \$343,804 from the Alabama Special Educational Trust Fund for the support and maintenance of Camp ASCCA, in Jackson Gap, Alabama for the fiscal year ending September 30, 1996, and to require an operations plan and audited financial statement prior to release of any funds.

McDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 10. To exempt all property owned and used by the Farley L. Berman Foundation, Inc., from any state, county, and local ad valorem taxes, and to provide for a retroactive effect.

Also:

H. 254. To make an appropriation of \$1,049,579 from the Alabama Special Educational Trust Fund to the United Cerebral Palsy of Alabama, Inc., the United Cerebral Palsy Development Center for East Central Alabama, the Simpson-May Cerebral Palsy Center, the Cerebral Palsy Housing Foundation, the United Cerebral Palsy of Huntsville and Tennessee Valley, Inc., the United Cerebral Palsy of Mobile, Inc., the United Cerebral Palsy of West Alabama, Inc., United Cerebral Palsy of Alabama, Inc. for Etowah County, and the United Cerebral Palsy of Northwest Alabama for the year ending September 30, 1996, and to require an operations plan and audited financial statement prior to release of any funds.

McDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 42. To amend Section 4 of Act 93-133, H. 285, 1993 Regular Session, to remove the expiration date of the increase in fees provided in Act 92-227, H. 605, 1992 Regular Session.

McDOWELL LEE
Secretary

MOTION TO ADJOURN ADOPTED

Representative Hammett offered the motion that when the House adjourns today, it adjourns to meet again at 10:00 o'clock a.m. on Wednesday, July 26, 1995, and the motion was adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has acceded to the request of the House for a Committee on Conference on the disagreement of the two Houses on the Senate amendment to the House Bill:

H. 597. To authorize Alabama Public School and College Authority to sell and issue one hundred fifty million dollars (\$150,000,000.00) aggregate principal amount of additional bonds for capital improvements for public educational purposes including purchasing, constructing, improving, renovating, and equipping public school buildings; to provide funds to the Alabama Public School and College Authority to be allocated for special and critical needs as determined by the Governor's Task Force on Critical Needs in concert with the superintendents of the local boards of education; to provide funds for a supplementary allocation to those school systems where the findings of the Governor's Task Force on Critical Needs totaled less than the funds each school system would receive through an allocation method based on the average daily membership for the first forty scholastic days of the school year 1994-95; to provide funds to replace pre-1978 school buses routinely used by certain city and county boards of education; to provide funds for public school buildings which have been destroyed by fire or natural disaster; to provide funds for special and critical needs as determined by the Alabama Public School and College Authority; to provide for the reallocation of any unexpended funds after a specified period of time; to authorize the Authority to reimburse the Building Commission, Department of Finance and Treasurer's Office for costs incurred in the administration of the business of the Authority; to authorize the Authority to establish procedures and requirements to ensure compliance with any tax covenants with which the Authority must comply; to provide for the details of the bonds and for the terms of sale thereof; to make an appropriation and pledge for payment of the principal of and interest on the bonds of proceeds from specified excise taxes to the extent necessary to pay the principal and interest at their respective maturities; to authorize the Authority to pledge for payment of the principal of and interest on the bonds the monies so appropriated and pledged; to provide that the bonds shall be limited obligations of the Authority payable solely out of the funds so appropriated and pledged and will not create a debt or obligation of the State; to provide that the bonds and the income therefrom shall be exempt from taxation in this State and the bonds may be used to secure deposits of funds of this State and its political subdivisions, instrumentalities and agencies, and for investment of fiduciary funds; to exempt the Authority and the bonds from the usury laws; to authorize the issuance by the Authority of refunding bonds for the purpose of refunding the principal and interest of any then outstanding bonds theretofore issued by the Authority and the expenses of such refunding and any premiums necessary to retire those so refunded; to provide that after payment of the expenses of the issuance of the bonds the proceeds from the sale thereof shall be disbursed on orders or warrants issued by or under the direction of the Authority for the purposes for which the Bonds are authorized to be issued; to provide for the timely expenditure of the proceeds from the sale of the Bonds; and provide that if any portion of this Act should be held invalid such holding shall not affect the validity of any other portion thereof.

And the President and Presiding Officer of the Senate has appointed as Committee on part of the Senate, Senators: Sanders, Hale, and Ghee.

McDOWELL LEE
Secretary

RESOLUTION

The following resolution was introduced:

By Representative Hammett:

H.R. 443. AMENDING THE RULES OF THE HOUSE

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That the rules of the House are hereby amended to read as follows:

Delete Rule 35 in its entirety and insert in lieu thereof the following:

Rule 35. Any bill that makes an appropriation from state revenue shall be treated as a general bill.

Any bill providing for or dealing with pari-mutuel betting, gambling or games of chance, any bill providing for or dealing with an environmental issue, and any bill providing for or dealing with inter-county annexation shall also be treated as a general bill.

Further, a local bill creating a new pari-mutuel betting or gambling facility, or affecting an existing facility, shall first be assigned to the appropriate local legislation committee, and if receiving a favorable report from said committee, shall then be assigned to an appropriate standing committee.

On motion of Representative Hammett, the resolution, H.R. 443, was adopted.

HOUSE BILLS INDEFINITELY POSTPONED

On motion of Representative Hammett, all House bills remaining on the Calendar when the House adjourns on the twenty-eighth legislative day will be indefinitely postponed.

MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Knight (A), the rules were suspended in order to permit the Standing Committee on Commerce, Transportation and Utilities to meet on the bill, S. 450, while the House is in Session.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 146. MOURNING THE DEATH OF JAMES EARL ALBRIGHT OF HUEYTOWN, ALABAMA.

On motion of Representative Ford, the House concurred in and adopted the resolution, S.J.R. 146.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 147. COMMENDING JC MCCULLARS, THE 1995 OUTSTANDING FATHER OF THE YEAR.

On motion of Representative Ford, the House concurred in and adopted the resolution, S.J.R. 147.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.R. 416. SUPPORTING BIRMINGHAM, ALABAMA'S REQUEST TO HOST THE SPRING BOARD OF DIRECTORS MEETING AND BUILDERS CONFERENCE IN THE YEAR 2000.

WHEREAS, Birmingham, Alabama, has been selected as a finalist for the National Association of Home Builders (NAHB) Spring Board of Directors Meeting and Builders Conference in the year 2000; and

WHEREAS, Birmingham was highlighted as one of the country's most affordable convention sites by "Convene," the publication of the Professional Convention Management Association; and

WHEREAS, Birmingham is ranked as one of the top 25 cities where homeowners fare best by "U.S. News and World Reports"; and

WHEREAS, Birmingham was designated as a 1993 and 1989 "Most Livable City" by the U.S. Conference of Mayors; and

WHEREAS, Robert Trent Jones Golf Trail was highlighted as one of the top places to visit and play golf in the World by "Frequent Flier Magazine"; and

WHEREAS, Birmingham was selected by the International Olympic Committee to host 11 preliminary soccer games immediately preceding the 1996 Atlanta Summer Olympics; now therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, That the Alabama House of Representatives officially supports Birmingham, Alabama's request to host the National Association of Home Builders (NAHB) Spring Board of Directors Meeting and Builders Conference in the Year 2000 in Birmingham.

On motion of Representative Ford, the resolution, H.R. 416, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 403. COMMENDING CHIEF WINSTON M. BOUTWELL ON HIS RETIREMENT FROM THE NORTH SHELBY COUNTY FIRE AND EMERGENCY MEDICAL DISTRICT.

WHEREAS, the Alabama Legislature heartily congratulates Chief Winston M. Boutwell on his retirement from the North Shelby County Fire and Emergency Medical District which, under his leadership, has become one of the finest fire districts in the state; and

WHEREAS, Chief Boutwell contributed greatly to the betterment of the Prichard Fire Department, where he served as firefighter, captain, assistant chief and chief, and was also instrumental in establishing one of the first rescue units in the State of Alabama, and in promoting legislation to ensure a fire safe community; he has distinguished himself as a man who has brought professionalism, honor, and respect to the fire and emergency medical profession; and

WHEREAS, Chief Boutwell holds memberships in numerous civic organizations including the Jaycees, Chamber of Commerce, Lions Club, and Boy Scouts, to list a few; and

WHEREAS, Chief Boutwell and his wife of 47 years, Bobbie M. Boutwell, have two children, Bert Boutwell and Susan Duncan, and four grandchildren, Nikki, Joel, Daniel and Jacqueline; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby commend Chief Winston M. Boutwell and wish him many happy years in retirement.

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to Chief Boutwell as a token of our appreciation and esteem.

On motion of Representative Ford, the resolution, H.J.R. 403, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 405. COMMENDING GLENDA RYAN ON HER RETIREMENT AS CHIEF CLERK OF THE PROBATE OFFICE IN PICKENS COUNTY.

WHEREAS, the Alabama Legislature notes the retirement of Glenda Ryan following a long and rewarding 23-year career as Chief Clerk of the Probate Office of Pickens County; and

WHEREAS, Mrs. Ryan, an active member of Flatwoods Baptist Church, was recognized at her farewell reception by her friends and four of the Probate Judges for whom she has worked as a loved, respected and admired person, and a devoted employee who served with great love and dedication, who will be long remembered by all those who were privileged to work with her; and

WHEREAS, sharing her organizational abilities with co-workers, Mrs. Ryan was known for teaching the best method, style, and managerial skills of running a public office; and

WHEREAS, after leaving the Probate Office, Mrs. Ryan will assume a position with the Juvenile Court System of Tuscaloosa County, where she will again meet new challenges and adventures; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That a copy of this resolution shall be provided to Mrs. Glenda Ryan, executed in admiration of her many accomplishments and with sincere best wishes for every future happiness and success in life.

On motion of Representative Ford, the resolution, H.J.R. 405, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 408. COMMENDING DR. W. J. JACKSON FOR MANY YEARS OF OUTSTANDING SERVICE.

WHEREAS, it is with great pride and warmest personal regard that the Alabama Legislature recognizes the outstanding service of Dr. W. J. Jackson, Pastor of West End Hills Missionary Baptist Church; and

WHEREAS, born September 12, 1923, in Jefferson County, Alabama, Dr. Jackson, who earned a G.E.D. Certificate, and received B.TH., B.A., and D.D. degrees from Birmingham Bible College, has served the congregation of West End Hills Missionary Baptist Church with honor and distinction as a member, Deacon, Chairman of the Trustee Board, and ultimately as Pastor, elected June 8, 1967; and

WHEREAS, Dr. Jackson, whose vision is to secure the future growth of the Church, has well-served West End Hills Missionary Baptist Church, and, under his leadership and guidance, the Church has witnessed continuous growth in membership, constant financial stability, the completion of many additions and renovations, and the purchase of adjacent properties to be used as a library and study hall; and

WHEREAS, the devoted husband of the former Mary Etta Williams and father of nine, Dr. Jackson is considered a pillar of the community who is sometimes referred to as the "Walking Preacher" because he is seen walking around the community giving hope, courage, and inspiration; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby extend highest acclaim and paramount praise to Dr. W. J. Jackson for his many years of dedicated service, and do furthermore direct that a copy of this resolution be provided with best wishes for every future happiness and success.

On motion of Representative Ford, the resolution, H.J.R. 408, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 409. HONORING THE MCCREARY, ROBINSON, AND WILLIAMS FAMILY ON THE OCCASION OF ITS 5TH FAMILY REUNION.

WHEREAS, it is with great pride and pleasure that the Alabama Legislature honors the McCreary, Robinson, and Williams Family on the occasion of its 5th family reunion, July 21-23, 1995, in Birmingham, Alabama; and

WHEREAS, the McCreary, Robinson, and Williams Family has flourished since united by marriages many long years ago, and relatives will be arriving from California, Florida, Georgia, Michigan, New York, Tennessee, and Virginia to share in this momentous occasion; and

WHEREAS, as evidenced by the large, festive gathering, the McCreary, Robinson, and Williams Family epitomizes the importance of remembering those individuals from generations past who have taught each younger generation those finest moral values which enabled them to make invaluable contributions to their communities; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby extend highest commendation and heartiest congratulations to the McCreary, Robinson, and Williams Family on the occasion of its 5th family reunion, July 21-23, 1995, in Birmingham, Alabama, and do furthermore direct that a copy of this resolution be provided as evidence of our warmest personal regard.

On motion of Representative Ford, the resolution, H.J.R. 409, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 417. CONGRATULATING KENNETH J. AND LEIGH C. TUCKER ON THE BIRTH OF TWIN BOYS, CLAYTON MICHAEL AND JACKSON TYLER, MAY 26, 1995.

WHEREAS, it is with great pride and utmost pleasure that the Alabama House of Representatives warmly congratulates Kenneth J. and Leigh C. Tucker on the birth of twin boys, Clayton Michael and Jackson Tyler, May 26, 1995; and

WHEREAS, Clayton Michael and Jackson Tyler Tucker were born at Huntsville Hospital in Huntsville, Alabama, and we sincerely wish a lifetime of happiness, wisdom, and good fortune for the little boys; and

WHEREAS, the institution of the family is the basic foundation upon which our society is built, and it is truly an honor and a privilege to share in the joy of this momentous occasion with the Tuckers; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby extend heartiest congratulations to Kenneth and Leigh Tucker on the birth of their twin boys, Clayton Michael and Jackson Tyler, May 26, 1995, in Huntsville, Alabama, and do furthermore direct that the boys receive a copy of this resolution so they may later know of the joy we shared with their parents and family on the occasion of their birth.

On motion of Representative Ford, the resolution, H.J.R. 417, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 418. RECOGNIZING DR. DONALD E. HOKE AS AN HONORARY CITIZEN OF THE STATE OF ALABAMA.

WHEREAS, it is with the highest regard that the Alabama Legislature recognizes author and evangelist Donald E. Hoke as an honorary citizen of the State of Alabama; and

WHEREAS, in 1953, Dr. Hoke founded Tokyo Christian University, an inter-denominational, theological institution, and in 1958, co-founded Japan Bible Seminary, a postgraduate theological school; and

WHEREAS, Dr. Hoke was also the founding director of the Billy Graham Center for Evangelism at Wheaton College in Wheaton, Illinois, and directed the International Congress of Evangelization hosted by Evangelist Billy Graham, one of the most representative conferences of Christian leaders ever held to this date; and

WHEREAS, he has served as interim senior pastor of Trinity Presbyterian Church, Montgomery, Alabama, since March 1995; and

WHEREAS, on July 13, 1995, Dr. Hoke gave a heartwarming prayer to the Alabama Legislature; and

WHEREAS, following his visit in the legislative chambers, Dr. Hoke remarked that he liked Alabama so well, he wished to be an honorary citizen of the state; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Alabama Legislature recognizes Dr. Donald E. Hoke as an honorary citizen of the State of Alabama and directs that a copy of this resolution shall be provided for him.

On motion of Representative Ford, the resolution, H.J.R. 418, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 421. CONGRATULATING SONNY AND KATHY BRASFIELD ON THE BIRTH OF THEIR DAUGHTER, SYDNEY KAY BRASFIELD.

WHEREAS, it is with great pride and pleasure that the Alabama Legislature heartily congratulates Sonny and Kathy Brasfield on the birth of their daughter, Sydney Kay Brasfield, on June 26, 1995; and

WHEREAS, born at Baptist Hospital in Montgomery, Alabama, and measuring 21 inches, little Miss Sydney Kay Brasfield weighed in at 7 pounds, 12 ounces; and

WHEREAS, our dear friend, Sonny Brasfield, as we all know, is the Assistant Executive Director of the Association of County Commissions of Alabama, and we are especially honored and privileged to share with Sonny and Kathy along with their friends and family in the precious occasion of the birth of their daughter, Sydney Kay; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we again extend warmest congratulations to Sonny and Kathy Brasfield on the birth of their new baby, and do furthermore direct that they receive a copy of this resolution of sincere personal regard.

BE IT FURTHER RESOLVED, That a copy of this resolution also be provided for their daughter, Sydney Kay Brasfield, that she may later know of the happiness and joy we shared with her parents on the occasion of her birth.

On motion of Representative Ford, the resolution, H.J.R. 421, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 422. ESTABLISHING JULY 9, 1995, AS "COST OF GOVERNMENT DAY."

WHEREAS, the cost of government has increased from 49.05 percent of the net national product, NNP, in 1989 to an estimated 52.03 percent of NNP in 1994; and

WHEREAS, the total cost of government now exceeds \$3 trillion dollars; and

WHEREAS, federal regulatory costs now exceed \$700 billion annually, which translates into two thousand eight hundred dollars (\$2,800) for every man, woman, and child in America; and

WHEREAS, the cost of government in general, and regulations in particular, have placed a tremendous drain on the economy in recent years by reducing worker productivity, increasing prices to consumers, and increasing unemployment; and

WHEREAS, the average worker in Alabama does not earn enough money to pay off all his or her government-imposed financial obligations; now therefore;

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Alabama Legislature hereby recognizes July 9, 1995, as Cost of Government Day and urges all federal, state, and local elected officials to carefully consider the costs of government spending and regulatory schemes in the year to come and to continue efforts to cut spending, reduce needless regulation, and reduce the cost of government to benefit all Americans.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to every member of the Alabama Congressional Delegation, President Clinton, United States Speaker of the House Gingrich, and President of the Senate Dole.

On motion of Representative Ford, the resolution, H.J.R. 422, was adopted.

S. 489 REREFERRED

No objection being offered, the Speaker rereferred the bill, S. 489, from the Standing Committee on Ways and Means to the Standing Committee on Commerce, Transportation and Utilities.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 427. RECOGNIZING AND SUPPORTING THE USS TECUMSEH ASSOCIATION.

WHEREAS, the purpose of the USS Tecumseh Association, an association of interest to all Alabamians, is to provide support to the United States Navy, and other national and state agencies, in the development and subsequent implementation of a management plan for the USS Tecumseh; and

WHEREAS, following the USS Monitor and the CSS Alabama, the ironclad Tecumseh is the most famous shipwreck of the American Civil War--and, being totally intact, it is probably one of the most unique maritime relics of the nineteenth century; and

WHEREAS, because of the Tecumseh's historic importance and its excellent state of preservation, the Association believes that every effort should be made to expose the vessel and/or its artifacts to the public; realizing, of course, the feasibility of doing this would be a function of cost and available technology; and

WHEREAS, the Association also believes that an effective protection plan should be developed and implemented for the Tecumseh, since the wreck is currently threatened, not only by vandals and looters, but by anchors and barge spuds from large vessels that use the locality for temporary mooring; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That highest commendation is hereby accorded the USS Tecumseh Association for their outstanding efforts on behalf of the USS Tecumseh, a treasure of our nation's past.

BE IT FURTHER RESOLVED, That a copy of this resolution be provided for the Association as an expression of our support and encouragement in this worthy effort.

On motion of Representative Ford, the resolution, H.J.R. 427, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 428. SUPPORTING BIRMINGHAM, ALABAMA'S REQUEST TO HOST THE SPRING BOARD OF DIRECTORS MEETING AND BUILDERS CONFERENCE IN THE YEAR 2000.

WHEREAS, Birmingham, Alabama, has been selected as a finalist for the National Association of Home Builders (NAHB) Spring Board of Directors Meeting and Builders Conference in the year 2000; and

WHEREAS, Birmingham was highlighted as one of the country's most affordable convention sites by "Convene," the publication of the Professional Convention Management Association; and

WHEREAS, Birmingham is ranked as one of the top 25 cities where homeowners fare best by "U.S. News and World Reports"; and

WHEREAS, Birmingham was designated as a 1993 and 1989 "Most Livable City" by the U.S. Conference of Mayors; and

WHEREAS, Robert Trent Jones Golf Trail was highlighted as one of the top places to visit and play golf in the world by "Frequent Flier Magazine"; and

WHEREAS, Birmingham was selected by the International Olympic Committee to host 11 preliminary soccer games immediately preceding the 1996 Atlanta Summer Olympics; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Alabama House of Representatives officially supports Birmingham, Alabama's request to host the National Association of Home Builders (NAHB) Spring Board of Directors Meeting and Builders Conference in the Year 2000 in Birmingham.

On motion of Representative Ford, the resolution, H.J.R. 428, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 430. COMMENDING KEVIN HICKS FOR OUTSTANDING COURAGE AND BRAVERY.

WHEREAS, Kevin Hicks, who is 13 years of age, is deserving of public recognition and commendation for the quick, decisive, and courageous action that he displayed in attempting to assist his family and friends during a boating accident in a life-threatening situation; and

WHEREAS, Kevin Hicks, during a July 4, 1995, storm on Neely Henry Lake, made a valiant effort to seek help when a boathouse collapsed and killed Bobbi Nancy; her eight-year-old niece; Amanda Kortney Hicks; and four-year-old nephew Kyle Andrew Hicks; and

WHEREAS, as a result of his courage, young Mr. Hicks saved three adults, and even though he was in imminent danger of drowning, his action exemplifies the highest degree of concern of one human being for another; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Mr. Kevin Hicks is hereby most highly commended for his courageous actions and exemplary efforts; and we also extend sincere best wishes and direct that a copy of this resolution be presented to him.

On motion of Representative Ford, the resolution, H.J.R. 430, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 433. COMMENDING WOODLAND HIGH SCHOOL BETA CLUB FOR OUTSTANDING ACCOMPLISHMENT.

WHEREAS, it is with great pride and utmost pleasure that the Alabama Legislature recognizes the Woodland High School Beta Club for tremendous accomplishments; and

WHEREAS, on March 10, 1995, the members of the Woodland High School Beta Club won first place in the State Talent Competition, earning the opportunity to compete at the National Beta Club Convention in Orlando, Florida; and

WHEREAS, the hard work and dedication of the members and sponsors are well-deserving of special recognition, and we wish them best of luck in all future endeavors; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby extend highest commendation and warmest congratulations to the Woodland High School Beta Club, and do furthermore direct that a copy of this resolution be provided for appropriate presentation and display at Woodland High School.

On motion of Representative Ford, the resolution, H.J.R. 433, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 434. HONORING MRS. EMMA JEAN HOLMES MELTON ON THE OCCASION OF HER RETIREMENT ON JUNE 1, 1995.

WHEREAS, it is with utmost pride and warmest personal pleasure that the Alabama Legislature recognizes Mrs. Emma Jean Holmes Melton of Tuscaloosa, Alabama, on the occasion of her retirement, June 1, 1995, following 34 years of service as a Science Teacher for the Tuscaloosa City School System; and

WHEREAS, Mrs. Melton, who earned a B. S. degree from Alabama A & M University and pursued graduate studies at Tuskegee University, has had a distinguished teaching career including work at Druid High School, Westlawn Junior High School, and Central High School-West Campus; and

WHEREAS, throughout her teaching career, Mrs. Melton dedicated herself to the youth of Alabama serving as Chairman of the Science Department; Science-Jet Club and Science Fair Advisor; and a member of the Honor Society Advisory Committee, Institute Planning Committee, and the City-Wide Textbook Committee, to name but a few; and

WHEREAS, an active participant in countless professional, civic, and community activities, Mrs. Melton is a well-respected Alabamian who has served

on the Executive Board and as Treasurer of the Professional Educators of Tuscaloosa; a member of the Alabama Education Association, National Education Association, League of Women Voters, and the Tuscaloosa Chapter of the NAACP; and as a delegate to the Alabama Education Association Delegate Assembly, among others too numerous to mention; and

WHEREAS, Mrs. Melton, who is a devoted member of First African Baptist Church, is furthermore a loving wife to our dear friend and colleague, Representative Bryant Melton, and they are blessed with three children, Tony, DeLisa, and Emily; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby extend highest commendation and warmest congratulations to Mrs. Emma Jean Holmes Melton of Tuscaloosa, Alabama, on the occasion of her retirement, June 1, 1995, and do furthermore direct that a copy of this resolution be presented to Mrs. Melton with best wishes for every future happiness and success.

On motion of Representative Ford, the resolution, H.J.R. 434, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 437. COMMENDING COACH BOB SHUTTLEWORTH ON THE OCCASION OF HIS RETIREMENT.

WHEREAS, it is with great pride and utmost pleasure that the Alabama Legislature honors Coach Bob Shuttleworth on the occasion of his retirement following 29 years of service at John C. Calhoun State Community College in Decatur, Alabama; and

WHEREAS, Coach Shuttleworth has served with honor and distinction as the Head Coach of the Warhawk Basketball Team for 26 of the past 29 years, with a brief 3-year departure when he was serving as only Athletic Director of Calhoun State Community College; and

WHEREAS, Coach Bob Shuttleworth began his coaching career 40 years ago as a high school coach and administrator, and he then served as a coach and intramural director at Lambuth College before settling at Calhoun State Community College where he earned widespread regard for his expertise and enthusiasm for both athletics and academics; and

WHEREAS, Coach Shuttleworth came to Calhoun to initiate the basketball program, and he did just that, guiding 19 teams to the Alabama Junior/Community

College Conference Tournament, ending his coaching career with an impressive record of 421 wins and 260 losses, a winning percentage of .618, and only four losing seasons; and

WHEREAS, Coach Bob Shuttleworth is the devoted husband of the former Marie Dowdy and they are blessed with two children, Bobby Faye and Matt; he is indeed a fine Alabamian who will be greatly missed at Calhoun State Community College; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby extend highest commendation and warmest congratulations to Coach Bob Shuttleworth, and do furthermore direct that a copy of this resolution be presented to him August 12, 1995, at a special retirement celebration in his honor, with best wishes for every future happiness and success.

On motion of Representative Ford, the resolution, H.J.R. 437, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 440. COMMENDING WILLIAM L. LANGSTON FOR OUTSTANDING SERVICE.

WHEREAS, it is with great pride and pleasure that the Alabama Legislature recognizes Mr. William (Bill) L. Langston for tremendous service to the State of Alabama; and

WHEREAS, Bill Langston is the Executive Director of the Alabama Fire College and Personnel Standards Commission, and, through his expertise and guidance, the College has experienced extraordinary growth since he assumed the position on April 16, 1986, such as the number of courses conducted has grown from 115 to 332, the number of students enrolled has grown from 2,613 to 12,273, the number of student hours has grown from 86,432 to 559,704, and the number of full time employees has grown from 14 to 21; and

WHEREAS, Bill Langston is a distinguished Alabamian who is well-deserving of this special recognition in honor of his innumerable accomplishments; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby extend highest commendation and paramount praise to Mr. William (Bill) L. Langston, and do furthermore direct that a copy of this resolution be provided as evidence of our sincere appreciation and warmest personal regard.

On motion of Representative Ford, the resolution, H.J.R. 440, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 441. COMMENDING JAMES R. DAVIS, JR., OF HOOVER, ALABAMA, ON SCOUTING ACHIEVEMENTS.

WHEREAS, the Alabama House of Representatives takes note of the exceptional honor bestowed on James R. Davis, Jr., of Hoover, Alabama, as one of only 22 Boy Scouts in Alabama who will represent the state at the XVIII World Jamboree in Holland, August 1 to August 11, 1995 in Dronten Flevoland; and

WHEREAS, as a member of Boy Scout Troop 69 chartered to Mountain Chapel United Methodist Church of the Birmingham Area Council, James has excelled in scouting competitions and activities since 1991, and he has earned numerous coveted honors and awards, including: merit badges in science, rifle shooting, small boat sailing, American Labor, camping, fish and wildlife management, woodcarving, mammal studies, leatherwork, citizenship in community, and communication; and

WHEREAS, James R. Davis, Jr., because of his energy, dedication and sense of community responsibility, has received approval from the Boy Scouts of America Office of his Eagle Scout application, a project begun in 1993; and

WHEREAS, the XVIII World Jamboree theme is the "Future Is Now" and purpose is to develop world fellowship, and understanding among people of all races, creeds, and nationalities; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do most heartily congratulate James R. Davis, Jr. on his prestigious honor and exceptional opportunity to attend the XVIII World Jamboree on Scouting in Holland and his many scouting achievements.

BE IT FURTHER RESOLVED That, copies of this resolution be given to James R. Davis and to the Scout Leaders of Troop 69 for appropriate display at the meeting place of Troop 69, Hoover.

On motion of Representative Ford, the resolution, H.J.R. 441, was adopted.

BILLS ON SECOND READING

Representative Newton (D), Chairperson of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 116. To amend Section 28-3A-25, Code of Alabama 1975, to provide further for unlawful acts, offenses, and penalties affecting certain persons under the alcoholic beverage licensing code.

Representative Hooper, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 53. To amend Sections 14-6-1, 14-6-4, 14-6-6, 14-6-92, and 14-6-101, Code of Alabama 1975, which relate to duties of the office of sheriff; to relieve the sheriff of civil liability for the acts of the jailer; to provide further for the receiving into custody of federal prisoners and fugitive prisoners from other jurisdictions, and for the payment to the county for housing those prisoners; to provide further for the transfer of prisoners to county jails, due to inadequate jail facilities in the original jurisdictions of the prisoners; to provide further for requirements regarding maintenance and repair of jails; to provide that nothing in specified existing law shall be construed to provide a cause of action by any prisoner confined in any jail of a city or county; and to provide for the use of funds derived under the provisions of this act.

S. 361. To require cemeteries to post price lists for burial services and merchandise; to prohibit the use of misleading statements in the sale of cemetery property, burial lots, burial rights, burial services, or burial merchandise; and to provide criminal penalties.

Representative Knight (A), Chairperson of the Standing Committee on Commerce, Transportation and Utilities, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 450. To amend Section 40-12-264, Code of Alabama 1975, relating to the issuance of dealer license plates; to allow a licensed motor vehicle wholesaler who is also licensed as a motor vehicle dealer to obtain dealer plates based on combined retail and wholesale sales of motor vehicles.

Representative Ford, Chairperson of the Standing Committee on Tourism, Entertainment and Sports, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

S. 479. (With Amendment): Relating to operators of horse and greyhound racetracks; to authorize televised simulcast programming of racing events; to authorize operators to conduct pari-mutuel wagering on televised racing events; to allow participation in pari-mutuel pools; to provide rules for takeouts from pari-mutuel pools; to increase hours of operation for racetracks; and to repeal Section 11-65-32, Code of Alabama 1975.

Representative White, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 640. Relating to Calhoun County; providing for the establishment of a consolidated and unified system for assessment and collection of taxes under the supervision of an elected county official designated as county revenue commissioner; providing for the election, power, duties, term of office, and compensation of the official; abolishing the offices of tax assessor and tax collector; and providing for a referendum.

Representatives Petelos and Minnifield, Co-Chairpersons of the Standing Committee on Local Legislation No. 2, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 551. Relating to Jefferson County, Bessemer Division; to impose additional court costs to certain court costs presently in effect in the Bessemer Division of the Tenth Judicial Circuit of Alabama; to provide that the costs and charges collected be placed in a "Treatment to Alternative Street Crime Fund"; and to provide for distribution of the funds.

Representative Holmes, Chairperson of the Standing Committee on Local Legislation No. 5, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 619. Relating to Montgomery County; to amend Section 11 of Act No. 591, H. 972 of the 1965 Regular Session (Acts 1965, p. 1104), providing for the installation and maintenance of an improved system of indexing and recording documents affecting the title to real property and other documents in the office of the judge of probate in the county, and to further provide for the recording fee.

Representative White, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 595. To alter, rearrange, and extend the boundary lines and corporate limits of the City of Decatur in Morgan County and Limestone County.

S. 598. Proposing an amendment to the Constitution of Alabama of 1901, to provide that certain elected public officials in Morgan County may participate in the Employees' Retirement System in lieu of participating in a supernumerary program or system.

The above bill was read a second time at length as required by the Constitution.

S. 664. Relating to the Franklin County Commission; to provide for five commissioners elected from single-member districts effective with the election in November 1996; to provide for the boundaries of the five commission districts; to provide for the selection of the chair; to provide for the salary of the commissioners; to provide for a referendum election; and to repeal all conflicting law.

Representative Knight (A), Chairperson of the Standing Committee on Commerce, Transportation and Utilities, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 63. To grant a waiver from the levy of a utility customer charge if a member of the household receiving the service receives Supplemental Security Income or Aid to Families with Dependent Children benefits.

S. 489. To provide that certain full-time employees and executive officers of the Alabama Sports Hall of Fame Board, a nonprofit corporation, may elect to become members of the State Employees' Health Insurance Plan and to provide that the Alabama Sports Hall of Fame Board and its employees assume all costs, both contributory and administrative, and that no cost devolve upon the state.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time and referred to appropriate standing committees as follows:

By Representative Turner (With Notice and Proof):

H. 997. Relating to Mobile County; to make it a crime for a person to possess or conceal a firearm within a public school zone or on a public school campus; to provide definitions; to provide exemptions; to provide for posting of notices; and to provide penalties.

COMMITTEE ON LOCAL LEGISLATION NO. 3

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 997, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 237. To make an appropriation of \$1,439,112 from the Alabama Special Educational Trust Fund for the support and maintenance of the Sickie Cell Education Program for the fiscal year ending September 30, 1996, and to require an operations plan and audited financial statement prior to release of any funds.

McDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Fuller, the House non-concurred in the Senate amendment to the bill, H. 237, and requested the Speaker appoint a Committee on Conference on the disagreement of the two Houses, said Senate amendment being as follows:

A BILL
TO BE ENTITLED
AN ACT

To make an appropriation of \$1,382,112 from the Alabama Special Educational Trust Fund for the support and maintenance of the Sickie Cell Education Program for the fiscal year ending September 30, 1996, and to require an operations plan and audited financial statement prior to release of any funds.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. There is hereby appropriated for the fiscal year ending September 30, 1996, the sum of \$1,382,112, out of the funds in the Alabama Special Educational Trust Fund to the Sickie Cell Education Program as follows:

- (a) Jefferson County Sickie Cell Detection Committee, Inc..... \$ 262,920
- (b) Sickie Cell Disease Association of Gulf Coast, Alabama... \$ 243,917

Of the above appropriation to the Alabama Sickie Cell Disease Association of Gulf Coast, the amount of \$7,000 shall be used for lab testing.

- (c) Sickie Cell Foundation of Greater Montgomery, Inc..... \$ 141,863

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- (d) Southeast Alabama Sickle Cell Association..... \$ 139,565

Of the above appropriation to the Southeast Alabama Sickle Cell Association, the amount of \$50,000 shall be used for sickle cell services in Lee County.

- (e) Tri-County West Central Alabama Sickle Cell Anemia Association, Inc..... \$ 103,835
- (f) North Alabama Sickle Cell Program..... \$ 155,817
- (g) West Alabama Sickle Cell Program..... \$ 57,000
- (h) Children's Hospital of Birmingham..... \$ 41,132
- (i) Children's and Women's Hospital - Comprehensive Sickle Cell Center..... \$ 236,063

Section 2. Prior to release of any funds appropriated under this bill for fiscal year 1995-96, an operations plan for fiscal year 1995-96 and an audited financial statement for all operations during fiscal year 1993-94 must be forwarded to the Director of Finance. It is the intent to release fiscal year 1995-96 funds following receipt of these reports.

Section 3. This act shall become effective October 1, 1995.

Yeas 92; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Haney, Hawk, Hawkins, Hayden, Hill, Hinshaw, Hogan, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Mauli, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

COMMITTEE ON CONFERENCE APPOINTED

The Speaker appointed as a Committee on Conference on the part of the House, Representatives Fuller, Curry and Buskey on the disagreement of the two Houses on the Senate amendment to the bill, H. 237.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 239. To make an appropriation to the Department of Public Health in the amount of \$4,240,831 from the Alabama Special Educational Trust Fund for the support and maintenance of the Emergency Medical Services Programs for the fiscal year ending September 30, 1996.

McDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Fuller, the House non-concurred in the Senate amendment to the bill, H. 239, and requested the Speaker appoint a Committee on Conference on the disagreement of the two Houses, said Senate amendment being as follows:

A BILL
TO BE ENTITLED
AN ACT

To make an appropriation to the Department of Public Health in the amount of \$4,180,831 from the Alabama Special Educational Trust Fund for the support and maintenance of the Emergency Medical Services Programs for the fiscal year ending September 30, 1996.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. There is hereby appropriated to the Department of Public Health for the fiscal year ending September 30, 1996, the sum of \$4,180,831 from the Alabama Special Educational Trust Fund to be used as follows:

- (1) For funding Birmingham Regional Medical Services System, \$320,512;
- (2) For funding East Alabama Emergency Medical Services, Inc., \$320,512;

(3) For funding North Alabama Emergency Medical Services, Inc., \$320,511;

(4) For funding Southeast Alabama Emergency Medical Services, Inc., \$320,511;

(5) For funding Southwest Alabama Emergency Medical Services, Inc., \$320,511;

(6) For funding West Alabama Emergency Medical Services, Inc. \$320,511;

(7) For funding special scientific studies and data records for emergency medical services providers to evaluate effectiveness of educational programs at all levels, and regional equipment and training grant funds for emergency medical services, \$379,594;

(8) For improvement in emergency medical services through services offered at the state level, \$230,839;

(9) For emergency medical services education, \$1,647,330 as provided in Section 3 herein.

Section 2. The amounts appropriated under subsections (1) through (6) of Section 1 shall be used to fund contracted services to permit operation and maintenance of the agencies named and for the purchase of instructional supplies and new instructional equipment by those agencies. The amount appropriated under subsection (7) of Section 1 that is not disbursed for the funding of special scientific studies and data records for emergency medical services providers to evaluate the effectiveness of educational programs at all levels shall be disbursed by contract with the regional agencies named for equipment and training grant funds and shall be placed in segregated accounts to be used exclusively for grants for reimbursement of the cost of equipment, tuition, and expenses for training by emergency medical services providers. Equipment and training grant funds shall be allocated to the agencies named based upon the following formula: 50 percent to be divided equally among the agencies named; 25 percent to be apportioned among the agencies based upon the number of square miles in the geographic area represented by each agency; and 25 percent to be apportioned among the agencies based upon the population of the area represented by each agency according to the latest federal census. Any funds not contracted for and expended for the purposes of this act shall revert to the appropriate fund at the end of the fiscal year.

Section 3. The Alabama Emergency Medical Services Education Commission (hereinafter referred to as the Commission) shall direct the expenditure of the funds that are appropriated for such purpose by the Legislature by making grants to state junior colleges, state technical colleges, and other public institutions of higher learning for the purposes of providing emergency medical services education. For the fiscal year ending September 30, 1996, the Commission shall direct the expenditure of \$1,647,330 for the purposes of this

section. To be eligible for a grant from the Commission, an institution shall be certified by the Alabama Department of Public Health as having an emergency medical services primary education program whose graduates are eligible to be examined for state licensure as emergency medical technicians at the EMT-Basic, EMT-Intermediate, or EMT-Paramedic level or a combination thereof and shall be subject to all conditions that in the view of the Commission are necessary to assure that grant funds are expended for emergency medical services education purposes. The Commission may require financial statements as a condition of grant acceptance.

Section 4. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This act shall become effective on October 1, 1995, after its passage and approval by the Governor, or upon its otherwise becoming a law.

Yeas 89; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Boyd, Burke, Buskey, Cams, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, McAdory, McClammy, McDaniel, McMillan, Melton, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turnham, Venable, Warren, White, Willis and Wren.

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COMMITTEE ON CONFERENCE APPOINTED

The Speaker appointed as a Committee on Conference on the part of the House, Representatives Fuller, Curry and Burke on the disagreement of the two Houses on the Senate amendment to the bill, H. 239.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 244. To make an appropriation of \$28,458,615 from the Alabama Special Educational Trust Fund and an appropriation of \$3,103,484 from Federal and Local Funds to the Department of Youth Services for the fiscal year ending September 30, 1996.

McDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Fuller, the House non-concurred in the Senate amendment to the bill, H. 244, and requested the Speaker appoint a Committee on Conference on the disagreement of the two Houses, said Senate amendment being as follows:

A BILL
TO BE ENTITLED
AN ACT

To make an appropriation of \$27,458,615 from the Alabama Special Educational Trust Fund and an appropriation of \$3,103,484 from Federal and Local Funds to the Department of Youth Services for the fiscal year ending September 30, 1996.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. There is hereby appropriated to the Department of Youth Services for the fiscal year ending September 30, 1996, the following amounts from the Alabama Special Educational Trust Fund (ASETF) and Federal and Local Funds:

	<u>ASETF</u>	<u>Federal and Local Funds</u>	<u>Total</u>
YOUTH SERVICES, DEPARTMENT OF:			
(a) Youth Services Program.....			30,562,099
SOURCE OF FUNDS:			
(1) ASETF.....	27,458,615		
(2) Federal and Local Funds.....		3,103,484	
Total Department of Youth Services.....	<u>27,458,615</u>	<u>3,103,484</u>	<u>30,562,099</u>

Section 2. The above appropriation is made for educational purposes which shall include but shall not be limited to providing social and educational services plus facilities to youth referred to the program and providing for the education of such individuals including educating youth to turn away from a life of crime.

Section 3. The Department of Youth Services is hereby authorized to make a transfer to the State Personnel Department in the amount authorized in the General Appropriation Bill for fiscal year 1995-96.

Section 4. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This act shall become effective on October 1, 1995.

Yeas 88; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Haney, Hawk, Hawkins, Hayden, Hill, Hinshaw, Hogan, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable and Willis.

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COMMITTEE ON CONFERENCE APPOINTED

The Speaker appointed as a Committee on Conference on the part of the House, Representatives Knight (J), Fuller and Curry on the disagreement of the two Houses on the Senate amendment to the bill, H. 244.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 240. To make an appropriation of \$251,317 from the Alabama Special Educational Trust Fund to the Governor's Commission on Physical Fitness for the fiscal year ending September 30, 1996.

Also:

H. 241. To make an appropriation of \$23,158,459 from the Alabama Special Educational Trust Fund, an appropriation of \$2,170,000 from the Driver Impaired Trust Fund, and an appropriation of \$72,907,868 from Federal and Local Funds to the Department of Rehabilitation Services for the fiscal year ending September 30, 1996.

Also:

H. 242. To make an appropriation of \$381,534 from the Alabama Special Educational Trust Fund to the Space Science Exhibit Commission for the fiscal year ending September 30, 1996, for educational purposes.

Also:

H. 238. To make an appropriation to the Department of Public Health in the amount of \$10,371,144 from the Alabama Special Educational Trust Fund for the fiscal year ending September 30, 1996, for educational purposes.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the foregoing Report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 8. Relating to the Teachers' Retirement System; to amend Section 16-25-11.4 of the Code of Alabama 1975, to provide further for purchase of credit

for prior service rendered in the office of a circuit clerk, and to provide for purchase of credit for prior service as an employee of the Alabama State Employees Association.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 10. To exempt all property owned and used by the Farley L. Berman Foundation, Inc., from any state, county, and local ad valorem taxes, and to provide for a retroactive effect.

Also:

H. 254. To make an appropriation of \$1,049,579 from the Alabama Special Educational Trust Fund to the United Cerebral Palsy of Alabama, Inc., the United Cerebral Palsy Development Center for East Central Alabama, the Simpson-May Cerebral Palsy Center, the Cerebral Palsy Housing Foundation, the United Cerebral Palsy of Huntsville and Tennessee Valley, Inc., the United Cerebral Palsy of Mobile, Inc., the United Cerebral Palsy of West Alabama, Inc., United Cerebral Palsy of Alabama, Inc. for Etowah County, and the United Cerebral Palsy of Northwest Alabama for the year ending September 30, 1996, and to require an operations plan and audited financial statement prior to release of any funds.

Also:

H. 252. To make an appropriation of \$343,804 from the Alabama Special Educational Trust Fund for the support and maintenance of Camp ASCCA, in Jackson Gap, Alabama for the fiscal year ending September 30, 1996, and to require an operations plan and audited financial statement prior to release of any funds.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the foregoing Report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 42. To amend Section 4 of Act 93-133, H. 285, 1993 Regular Session, to remove the expiration date of the increase in fees provided in Act 92-227, H. 605, 1992 Regular Session.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Report of the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 714. To alter, rearrange, and extend the boundary lines of the municipality of West Blocton in Bibb County.

Also:

H. 745. Relating to the Fourteenth Judicial Circuit of Alabama; to authorize the district attorney to establish a "restitution recovery division" within the Office of the District Attorney; to provide for collection and enforcement of court orders in certain cases of nonpayment of restitution to victims of crime, court costs, fines, penalty payments, victims' compensation assessments, and bond forfeitures; to provide for a collection fee; to provide funding for the new restitution recovery division; and to provide for a circuit clerk's fund to assist the clerk in the implementation of this act.

Also:

H. 764. Relating to Walker County; to assess certain fees and additional fees on civil and criminal cases in the county with the proceeds to be used for planning, designing, construction, staffing, operation, and financing of a county jail; and to provide for an advisory referendum.

Also:

H. 782. To prohibit the Building Official of Baldwin County, Alabama, from issuing a building permit for construction of improvements which use certain clays and other materials which are potentially discoloring to the natural white sands and waters in certain areas of the county.

Also:

H. 892. To alter, rearrange, and extend the boundary lines of the Town of Pine Hill in Wilcox County.

McDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 351. Proposing an amendment to the Constitution of Alabama of 1901, to provide that certain elected public officials in Houston County may participate in the Employees' Retirement System in lieu of participating in a supernumerary program or system.

Also:

H. 472. Relating to Houston County; to provide for the issuance of annual boat certificates of registration by mail by the judge of probate; and to provide an additional fee for the purposes of this act.

Also:

H. 619. Relating to Houston County; authorizing the sheriff to operate a jail concession for county prisoners and state prisoners in county custody; and providing for the deposit, distribution, and auditing of monies earned.

Also:

H. 734. Relating to Colbert County and its municipalities; to amend and reenact Act No. 86-231, S. 515 of the 1986 Regular Session (Acts 1986, p. 341), forming a Shoals Industrial Development authority for promoting industry and trade and the development of the counties and cities; for the purpose of forming a Shoals Economic Development Authority for promoting the economic development of the counties and cities.

Also:

H. 890. Relating to Lamar County; fixing the fee for the issuance of pistol permits in Lamar County and providing for the deposit of such fees in a fund known as the Sheriff's Pistol Permit Fund and providing for the use of the fund and an effective date.

McDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 246. To make an appropriation of \$196,192 from the Alabama Special Educational Trust Fund for the support and maintenance of Lyman Ward Military Academy for the fiscal year ending September 30, 1996, and to require an operations plan prior to release of any funds.

McDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Fuller, the House concurred in and adopted the Senate amendment to the bill, H. 246, said Senate amendment being as follows:

**A BILL
TO BE ENTITLED
AN ACT**

To make an appropriation of \$206,225 from the Alabama Special Educational Trust Fund for the support and maintenance of Lyman Ward Military Academy for the fiscal year ending September 30, 1996, and to require an operations plan prior to release of any funds.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. There is hereby appropriated for the fiscal year ending September 30, 1996, the sum of \$206,225 from the Alabama Special Educational Trust Fund to Lyman Ward Military Academy.

Section 2. The Department of Examiners of Public Accounts is hereby authorized and empowered to audit the records of the said institution to the same extent, degree, and scope as its audits of public educational institutions, and said institution shall submit to the Legislature each year before any subsequent appropriation requests may be considered by the Legislature, a full accounting of its receipts, disbursements, assets, liabilities, and other resources as of the date of the close of its immediately preceding academic year.

Section 3. Prior to the release of any funds appropriated under this bill for fiscal year 1995-96 an operations plan for fiscal year 1995-96 must be forwarded to the Director of Finance. It is the intent to release fiscal year 1995-96 funds following receipt of this report.

Section 4. This act shall become effective October 1, 1995.

Yeas 74; Nays 4.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Box, Boyd, Burke, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dukes, Flowers, Ford, Fuller, Gaines, Gaston, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawk, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Letson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Sanderford, Sanderson, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Venable, Warren, Willis and Wren.

Nay:

Representatives Dolbare, Morrison, Parker (P) and Seibenhener.

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PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative Morrison inadvertently voted "Nay" and intended to vote "Yea" on adoption of the Senate amendment to the bill, H. 246.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 247. To make an appropriation of \$420,414 from the Alabama Special Educational Trust Fund for the support and maintenance of Marion Military Institute for the fiscal year ending September 30, 1996, and to require an operations plan prior to release of any funds.

McDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Fuller, the House concurred in and adopted the Senate amendment to the bill, H. 247, said Senate amendment being as follows:

A BILL
TO BE ENTITLED
AN ACT

To make an appropriation of \$441,912 from the Alabama Special Educational Trust Fund for the support and maintenance of Marion Military Institute for the fiscal year ending September 30, 1996, and to require an operations plan prior to release of any funds.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. There is hereby appropriated for the fiscal year ending September 30, 1996, the sum of \$441,912 from the Alabama Special Educational Trust Fund to Marion Military Institute.

Section 2. The Department of Examiners of Public Accounts is hereby authorized and empowered to audit the records of the said institution to the same extent, degree, and scope as its audits of public educational institutions, and said institution shall submit to the Legislature each year before any subsequent appropriation requests may be considered by the Legislature, a full accounting of its receipts, disbursements, assets, liabilities, and other resources as of the date of the close of its immediately preceding academic year.

Section 3. Prior to the release of any funds appropriated under this bill for fiscal year 1995-96 an operations plan for fiscal year 1995-96 must be forwarded to the Director of Finance. It is the intent to release fiscal year 1995-96 funds following receipt of this report.

Section 4. This act shall become effective October 1, 1995.

Yeas 80; Nays 6.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Boyd, Burke, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Ford, Fuller, Gaines, Galliher, Gaston, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hinshaw, Hogan, Houston, Johnson (E), Johnson (R), Kennedy, Knight (A), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Sanderford, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, Warren and Willis.

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Nay:

Representatives Flowers, Knight (J), Parker (P), Rogers (M), Seibenhener and Wren.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 250. To make an appropriation of \$3,775,200 from the Alabama Special Educational Trust Fund for the support and maintenance of Tuskegee University

for the fiscal year ending September 30, 1996, and to require an operations plan prior to release of any funds.

McDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Fuller, the House non-concurred in the Senate amendment to the bill, H. 250, and requested the Speaker appoint a Committee on Conference on the disagreement of the two Houses, said Senate amendment being as follows:

A BILL
TO BE ENTITLED
AN ACT

To make an appropriation of \$3,966,105 from the Alabama Special Educational Trust Fund for the support and maintenance of Tuskegee University for the fiscal year ending September 30, 1996, and to require an operations plan prior to release of any funds.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. There is hereby appropriated for the fiscal year ending September 30, 1996, the sum of \$3,966,105 from the Alabama Special Educational Trust Fund to Tuskegee University.

Section 2. The Department of Examiners of Public Accounts is hereby authorized and empowered to audit the records of the said institution to the same extent, degree, and scope as its audits of public educational institutions, and said institution shall submit to the Legislature each year before any subsequent appropriation requests may be considered by the Legislature, a full accounting of its receipts, disbursements, assets, liabilities, and other resources as of the date of the close of its immediately preceding academic year.

Section 3. Prior to the release of any funds appropriated under this bill for fiscal year 1995-96 an operations plan for fiscal year 1994-95 must be forwarded to the Director of Finance. It is the intent to release fiscal year 1995-96 funds following receipt of this report.

Section 4. This act shall become effective October 1, 1995.

Yeas 83; Nays 2.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Johnson (E), Johnson (R), Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McClammy, McDaniel, McKee, McMillan, Melton, Minnifield, Mitchell, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (T), Payne, Penry, Petelos, Pringle, Reed, Rogers (M), Sanderford, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

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Nay:

Representatives Parker (P) and Seibenhener.

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COMMITTEE ON CONFERENCE APPOINTED

The Speaker appointed as a Committee on Conference on the part of the House, Representatives Fuller, Burke and Reed on the disagreement of the two Houses on the Senate amendment to the bill, H. 250.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 251. To make an appropriation of \$295,305 from the Alabama Special Educational Trust Fund to the AIDS Task Force of Alabama, Incorporated for the fiscal year ending September 30, 1996 for programs and services to help prevent the spread of AIDS and to require an operations plan and an audited financial statement.

McDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Fuller, the House concurred in and adopted the Senate amendment to the bill, H. 251, said Senate amendment being as follows:

A BILL
TO BE ENTITLED
AN ACT

To make an appropriation of \$295,305 from the Alabama Special Educational Trust Fund to the AIDS Task Force of Alabama, Incorporated for the fiscal year ending September 30, 1996 for programs and services to help prevent the spread of AIDS and to require an operations plan and an audited financial statement.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. There is hereby appropriated the sum of \$295,305 from the Alabama Special Educational Trust Fund to the AIDS Task Force of Alabama, Incorporated (hereinafter referred to as ATFA), for the fiscal year ending September 30, 1996, for educational programs and services to help prevent the spread of AIDS. Funds appropriated herein are for disbursement to the various AIDS prevention community-based organizations in Alabama according to a plan to be developed by the Board of Directors of the AIDS Task Force of Alabama, Incorporated.

Section 2. Prior to the release of any funds appropriated herein, an operations plan for fiscal year 1995-96 must be developed by the Board of Directors of the AIDS Task Force of Alabama, Incorporated, submitted to and approved by the State Health Department and the HIV Education Advisory Board and then forwarded to the Director of Finance. It is the intent of the legislature that the state Medicaid Commissioner should work with the AIDS Task Force of Alabama, Incorporated in applying for federal matching dollars for part of the appropriation contained in this act. The HIV Education Advisory Board shall consist of six members as follows: the state health officer or his designee; one assistant state health officer appointed by the state health officer; one physician appointed by the Infectious Disease Society of Alabama who is selected from a list of physicians who routinely treat HIV infection; two representatives appointed by the American Red Cross of which one must be a health educator; and, the Chairperson of the AIDS Task Force of Alabama community-based organization committee. An audited financial statement of the expenditures shall be submitted to the state Finance Director at the end of the fiscal year.

Section 3. The ATFA shall limit the disbursement of funds contained in this or any other act which provides public funds to ATFA, to the following participating organizations and to no other organization or non-state agency:

1. AIDS Task Force of Alabama, Inc.
2. Birmingham AIDS Outreach, Inc.
3. Jefferson County AIDS in Minorities
4. AIDS Action Council of Huntsville

5. Mobile AIDS Support Services
6. Montgomery AIDS Outreach, Inc.
7. AIDS Services Center, Inc.
8. Lee County AIDS Outreach, Inc.
9. West Alabama AIDS Outreach
10. Wiregrass AIDS Outreach, Inc.
11. Selma AIDS Information and Referral, Inc.

Section 4. This act shall become effective on October 1, 1995.

Yeas 84; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Minnifield, Mitchell, Morrow, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Rogers (J), Rogers (M), Sanderford, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, Warren and Willis.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 253. To make an appropriation of \$35,250 from the Alabama Special Educational Trust Fund to the Black Belt Human Resource Development Center for the fiscal year ending September 30, 1996 and to require an operations plan and audited financial statement prior to release of any funds.

McDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Fuller, the House concurred in and adopted the Senate amendment to the bill, H. 253, said Senate amendment being as follows:

**A BILL
TO BE ENTITLED
AN ACT**

To make an appropriation of \$47,000 from the Alabama Special Educational Trust Fund to the Black Belt Human Resource Development Center for the fiscal year ending September 30, 1996 and to require an operations plan and audited financial statement prior to release of any funds.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. There is hereby appropriated to the Black Belt Human Resource Development Center for the fiscal year ending September 30, 1996, the sum of \$47,000 out of the funds in the Alabama Special Educational Trust Fund.

Section 2. Prior to release of any funds appropriated under this bill for fiscal year 1995-96, an operations plan for fiscal year 1995-96 and an audited financial statement for all operations during fiscal year 1993-94 must be forwarded to the Director of Finance. It is the intent to release fiscal year 1995-96 funds following receipt of these reports.

Section 3. This act shall become effective on October 1, 1995.

Yeas 84; Nays 1.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Burke, Buskey, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (T), Payne, Petelos, Pringle, Reed, Rogers (J), Rogers (M), Sanderford, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren and Willis.

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Nay:

Representative Seibenhener.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 255. To make an appropriation of \$1,000,000 from the Alabama Special Educational Trust Fund to the Children's Hospital in Birmingham, Alabama for the fiscal year ending September 30, 1996 and to require an operations plan and audited financial statement prior to release of any funds.

McDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Fuller, the House non-concurred in the Senate amendment to the bill, H. 255, and requested the Speaker appoint a Committee on Conference on the disagreement of the two Houses, said Senate amendment being as follows:

A BILL
TO BE ENTITLED
AN ACT

To make an appropriation of \$700,000 from the Alabama Special Educational Trust Fund to the Children's Hospital in Birmingham, Alabama for the fiscal year ending September 30, 1996 and to require an operations plan and audited financial statement prior to release of any funds.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. For the fiscal year ending September 30, 1996, there is hereby appropriated to the Children's Hospital in Birmingham, Alabama for the support and maintenance of said program from the Alabama Special Educational Trust Fund, the sum of \$700,000.

Section 2. Prior to release of any funds appropriated under this bill for fiscal year ending September 30, 1996, an operations plan for fiscal year 1995-96 and an audited financial statement for all operations during fiscal year 1993-94 must be forwarded to the Director of Finance. It is the intent to release fiscal year 1995-96 funds following receipt of these reports.

Section 3. This act shall become effective on October 1, 1995.

On page 1, line 19 & 8, after the word "appropriation" delete the following:
of \$700,000

On page 2, line 3, after the "period" insert the following: In addition to the above appropriation, there is hereby appropriated from the Alabama Special Educational Trust Fund for the fiscal year ending September 30, 1996 the amount of \$100,000 to be conditioned upon the availability of funds in the Alabama Special Educational Trust Fund, the recommendation of the Finance Director, and the approval of the Governor.

Yeas 85; Nays 1.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Johnson (E), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Rogers (M), Sanderford, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

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Nay:

Representative Houston.

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COMMITTEE ON CONFERENCE APPOINTED

The Speaker appointed as a Committee on Conference on the part of the House, Representatives Fuller, Curry and Burke on the disagreement of the two Houses on the Senate amendment to the bill, H. 255.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 256. To make an appropriation of \$582,793 from the Alabama Special Educational Trust Fund to the Children's and Women's Hospital in Mobile, Alabama for the fiscal year ending September 30, 1996 and to require an operations plan and audited financial statement prior to release of any funds.

McDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Fuller, the House non-concurred in the Senate amendment to the bill, H. 256, and requested the Speaker appoint a Committee on Conference on the disagreement of the two Houses, said Senate amendment being as follows:

**A BILL
TO BE ENTITLED
AN ACT**

To make an appropriation of \$482,794 from the Alabama Special Educational Trust Fund to the Children's and Women's Hospital in Mobile, Alabama for the fiscal year ending September 30, 1996 and to require an operations plan and audited financial statement prior to release of any funds.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. For the fiscal year ending September 30, 1996, there is hereby appropriated to the Children's and Women's Hospital in Mobile, Alabama for the support and maintenance of said program from the Alabama Special Educational Trust Fund, the sum of \$482,794.

In addition, there is hereby appropriated \$100,000 from the ASETF to the Children's and Women's Hospital to be conditioned on the release of such funds from the Governor for the fiscal year ending September 30, 1996.

Section 2. Prior to release of any funds appropriated under this bill for fiscal year ending September 30, 1996, an operations plan for fiscal year 1995-96 and an audited financial statement for all operations during fiscal year 1993-94 must be forwarded to the Director of Finance. It is the intent to release fiscal year 1995-96 funds following receipt of these reports.

Section 3. This act shall become effective on October 1, 1995.

Yeas 82; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (M), Box, Burke, Buskey, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Houston, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, Warren and Willis.

COMMITTEE ON CONFERENCE APPOINTED

The Speaker appointed as a Committee on Conference on the part of the House, Representatives Fuller, Curry and Kennedy on the disagreement of the two Houses on the Senate amendment to the bill, H. 256.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 257. To make an appropriation of \$70,000 from the Alabama Special Educational Trust Fund to the Kate Duncan Smith DAR School for the fiscal year ending September 30, 1996 and to require an operations plan and audited financial statement prior to release of any funds.

McDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Fuller, the House non-concurred in the Senate amendment to the bill, H. 257, and requested the Speaker appoint a Committee on Conference on the disagreement of the two Houses, said Senate amendment being as follows:

A BILL
TO BE ENTITLED
AN ACT

To make an appropriation of \$32,375 from the Alabama Special Educational Trust Fund to the Kate Duncan Smith DAR School for the fiscal year ending September 30, 1996 and to require an operations plan and audited financial statement prior to release of any funds.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. For the fiscal year ending September 30, 1996, there is hereby appropriated to the Kate Duncan Smith DAR School from the Alabama Special Educational Trust Fund, the sum of \$32,375.

Section 2. Prior to release of any funds appropriated under this bill for fiscal year ending September 30, 1996, an operations plan for fiscal year 1995-96 and an audited financial statement for all operations during fiscal year 1993-94 must be forwarded to the Director of Finance. It is the intent to release fiscal year 1995-96 funds following receipt of these reports.

Section 3. This act shall become effective on October 1, 1995.

Yeas 89; Nays 3.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Box, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hogan, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren and Willis.

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Nay:

Representatives Baker, Newton (D) and Seibenhener.

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COMMITTEE ON CONFERENCE APPOINTED

The Speaker appointed as a Committee on Conference on the part of the House, Representatives Fuller, Curry and Haney on the disagreement of the two Houses on the Senate amendment to the bill, H. 257.

MESSAGE FROM THE GOVERNOR

To The House of Representatives of Alabama
Alabama State House
Montgomery, Alabama 36130

Ladies and Gentlemen:

I transmit herewith to you a message from the Governor, returning House Bill No. 417, without the Governor's signature and with a suggested Executive Amendment.

Done this 24th day of July, 1995.

Respectfully submitted,

WILLIAM P. GRAY
Legal Advisor to the Governor

MESSAGE FROM THE GOVERNOR

To The House of Representatives of Alabama
Alabama State House
Montgomery, Alabama 36130

Ladies and Gentlemen:

I am returning to you, the body in which it originated, House Bill No. 417, without my signature, but with the following suggested Executive Amendment:

EXECUTIVE AMENDMENT TO HOUSE BILL NUMBER 417:

Please amend House Bill No. 417 on page 4, line 24, by deleting the language beginning with the word "The" and ending on line 27 with the word "and". Section 5 will then begin with the word "Where".

The adoption of the above suggested Executive Amendment will remove my objections to this bill.

Done on this the 24th day of July, 1995.

Respectfully,

FOB JAMES, JR.
Governor

GOVERNOR'S MESSAGE

On motion of Representative Dukes, the House concurred in and adopted the amendment proposed by His Excellency, the Governor, to the bill, H. 417, said Governor's amendment being set out in the foregoing Message from the Governor.

Yeas 84; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Letson, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable and Warren.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has non-concurred in the House amendment to the Bill:

S. 217. Proposing an amendment to the Constitution of Alabama of 1901, to phase out supernumerary programs and to permit participation in a fiscally sound existing retirement system.

and requests a Committee on Conference.

And the President and Presiding Officer of the Senate has appointed as Committee on part of the Senate, Senators: Biddle, Windom, and Waggoner.

McDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Turner, the House acceded to the request of the Senate for a Committee on Conference on the disagreement of the two Houses on the House amendment to the bill, S. 217.

Yeas 60; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Buskey, Carns, Carothers, Clark (W), Curry, Dean, Dolbare, Fuller, Gaines, Galliher, Gaston, Graham, Guin, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Letson, Lindsey, McClammy, McDaniel, McKee, Melton, Minnifield, Morrison, Morrow, Morton, Murphree, Page, Papucci, Parker (T), Payne, Penry, Pringle, Rogers (M), Sanderford, Smith, Spratt, Thomas (D), Thomas (J), Turner, Turnham, Warren and Willis.

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COMMITTEE ON CONFERENCE APPOINTED

The Speaker appointed as a Committee on Conference on the part of the House, Representatives Laird, Box and Kennedy on the disagreement of the two Houses on the House amendment to the bill, S. 217.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 908. Relating to the City of Anniston in Calhoun County; to provide for the restructuring of the Water Works and Sewer Board of the City of Anniston; and to increase the membership.

McDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 304. Relating to Barbour County and the office of the judge of probate; to provide a special recording or issuance fee in addition to all existing fees and charges for documents filed for record and each motor vehicle certificate of title issued in the county; and to provide for the use of the fees for the payment of general office expenses by the judge of probate; and to provide for an expiration date.

McDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Clark (J), the House concurred in and adopted the Senate amendment to the bill, H. 304, said Senate amendment being as follows:

A BILL
TO BE ENTITLED
AN ACT

Relating to Barbour County and the office of the judge of probate; to provide a special recording or issuance fee in addition to all existing fees and charges for documents filed for record and each motor vehicle certificate of title issued in the county; and to provide for the use of the fees for the payment of general office expenses by the judge of probate; and to provide for an expiration date.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. In Barbour County, on and after the effective date of this act, there is levied a special recording or issuance fee of three dollars (\$3) which shall be paid to and collected by the Barbour County Judge of Probate with respect to each real property instrument and each personal property instrument filed for record in the office of the judge of probate, for the recording of other instruments and documents in the office of the judge of probate, and for the issuance of motor vehicle certificates of title. On and after the effective date of this act, the judge of probate shall not receive an instrument for recording and shall not issue a motor vehicle certificate of title unless the special recording or issuance fee of three dollars (\$3) is paid. The special recording or issuance fee shall be in addition to all other fees, taxes, and other charges required by law to be paid upon the filing for record of any real or personal property instrument or other instrument or for the issuance of a motor vehicle certificate of title. All special recording or issuance fees collected pursuant to this act shall be collected and retained by the judge of probate to be used by the judge of probate to pay general office expenses.

Section 2. The fees provided by this act shall expire on September 30, 1997, and this act shall be repealed at that time.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Yeas 76; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Buskey, Carns, Carothers, Clark (W), Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Johnson (R), Kennedy, Knight (A), Knight (J), Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, Mitchell, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (T), Payne, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sims, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren and Willis.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 914. Relating to the Fourteenth Judicial Circuit; to provide for funding for the Office of the District Attorney by the Walker County Commission; to provide a method for determining amounts; and to provide factors to be used in determining the adequacy of the amount.

Also:

H. 916. Relating to Randolph County; authorizing the sheriff to operate a jail store for prisoners in county custody; providing for the deposit, distribution, and auditing of monies earned; and confirming and ratifying certain prior actions.

Also:

H. 923. Relating to Cherokee County; relating to the compensation and expense allowance for the Sheriff of Cherokee County; to further provide for an additional expense allowance and expiration date therefor and the sheriff's compensation in the next term of office.

Also:

H. 942. Relating to Henry County and the county law library fund in Henry County; and to provide that a portion of the county law library fund be used for the upkeep of the courtrooms in the county.

Also:

H. 943. Relating to Henry County; to amend Act No. 83-558, H. 772 of the 1983 Regular Session (Acts 1983, p. 856), providing for the pistol permit fee of the sheriff and for the distribution of the fees.

McDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 661. Relating to Perry County; proposing an amendment to the Constitution of Alabama of 1901; authorizing the Perry County Commission to levy a three mill ad valorem tax for fire protection.

Also:

H. 810. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Sylacauga, in Talladega County.

Also:

H. 833. Relating to law enforcement in Houston County; to further amend Sections I and II of Act No. 671, 1967 Regular Session (Acts 1967, p. 1495), relating to the issuance of pistol permits in Houston County, to provide further for permit fees and distribution of the fees.

Also:

H. 879. Relating to Bullock County; providing for the assessment and collection of additional court costs in the municipal, district, circuit and probate courts of the county; certain other fees of the judge of probate; and providing that the fees collected in the district and circuit courts be used for the benefit of the sheriff's department.

Also:

H. 880. Relating to Bullock County; amending Act No. 79-589, H. 1047, 1979 Regular Session (Acts 1979, p. 1048), to provide further for the expense allowance of the coroner.

McDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 553. Relating to Calhoun County, authorizing the sheriff to sell certain abandoned, stolen, and unclaimed property at public auction; authorizing the sheriff to sell or destroy certain abandoned, stolen, or unclaimed firearms; providing for such an auction and for the disposition of proceeds.

McDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Sims, the House concurred in and adopted the Senate amendment to the bill, H. 553, said Senate amendment being as follows:

Amend H. 553 on Page 2, Line 24, as follows: Delete the word "six" and insert in lieu thereof the word "twelve".

Further amend H. 553 on Page 4, after Section 7, after Line 19, by inserting the following language as a new Section 8 and renumbering the subsequent sections:

"The Sheriff of Calhoun County shall provide to the Chairman of the Calhoun County Commission on June 30th of each calendar year an itemization of all items sold or destroyed under this act; an itemization of all income received under this act, and the expenditures of the income so received for the preceding twelve months."

Yeas 66; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Box, Boyd, Carns, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Gaines, Gaston, Gipson, Guin, Hall (A), Hamilton, Hammett, Haney, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Houston, Jorgensen, Knight (A), Laird, Layson, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (T), Payne, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Vance, Venable and Willis.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has non-concurred in the House amendment to the Bill:

S. 357. To amend Sections 3.05 and 4.04 of Act No. 618, H. 796, 1973 Regular Session of the Legislature, relating to the Mayor-Council form of government in cities with a population of not less than 70,000 nor more than 135,000 inhabitants according to the 1970 or any subsequent federal decennial census; so as to further provide for the Council of such cities to set per diem allowances, salaries, or expense allowances for the Council and Mayor.

and requests a Committee on Conference.

And the President and Presiding Officer of the Senate has appointed as Committee on part of the Senate, Senators: Langford, Bedford, and Dixon.

McDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative McKee, the House acceded to the request of the Senate for a Committee on Conference on the disagreement of the two Houses on the House amendment to the bill, S. 357.

Yeas 71; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Boyd, Carns, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Fuller, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Letson, Lindsey, Maull, McClammy, McDaniel, McMillan, Millican, Minnifield, Mitchell, Morrison, Morrow, Morton, Murphree, Newton (C), Papucci, Parker (T), Payne, Penry, Petelos, Pringle, Rogers (J), Rogers (M), Sanderford, Sims, Smith, Spratt, Thomas (D), Townsend, Turnham, Vance, Venable, White and Willis.

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COMMITTEE ON CONFERENCE APPOINTED

The Speaker appointed as a Committee on Conference on the part of the House, Representatives McKee, Knight (J) and McClammy on the disagreement of the two Houses on the House amendment to the bill, S. 357.

BILLS ON THIRD READING**BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Dukes, the Budget Isolation Resolution relating to the bill, H. 917, was adopted.

Yeas 61; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Box, Burke, Buskey, Carns, Crigler, Curry, Dean, Drake, Dukes, Gaines, Gaston, Gipson, Guin, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Jorgensen, Kennedy, Letson, Lindsey, Maull, McAdory, McClammy, McMillan, Melton, Minnifield, Mitchell, Morrison, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Penry, Pringle, Rogers (J), Rogers (M), Sims, Smith, Spratt, Starkey, Thomas (J), Townsend, Turnham, Venable and Willis.

-61

And the bill:

H. 917. Relating to the City of Decatur in Morgan and Limestone Counties; amending Sections 5 and 7 of Act No. 89, H. 234 of the 1939 Regular Session (Local Acts 1939, p. 47), as amended, relating to the Municipal Utilities Board of Decatur, to provide further for the organization, membership, terms of office, administration, and general operations of the board and the compensation of the members of the board.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 70; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Box, Burke, Buskey, Carns, Clark (W), Clouse, Crigler, Curry, Dean, Drake, Dukes, Gaines, Gaston, Gipson, Graham, Guin, Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Letson, Lindsey, Maull, McAdory, McClammy, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (J), Townsend, Turnham, Venable and Willis.

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BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Letson, the Budget Isolation Resolution relating to the bill, H. 948, was adopted.

Yeas 62; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Box, Burke, Buskey, Carns, Clouse, Collins, Crigler, Dean, Drake, Dukes, Gaston, Gipson, Graham, Guin, Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Jackson, Johnson (E), Johnson (R), Knight (A), Letson, Lindsey, McAdory, McClammy, McMillan, Melton, Millican, Minnifield, Moore, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Penry, Pringle, Rogers (J), Rogers (M), Seibenhener, Sims, Spratt, Starkey, Thomas (J), Townsend, Turnham, Vance, Venable and Willis.

-62

And the bill:

H. 948. Relating to Lawrence County; to provide for the collection of any sales and use tax levied by the county commission.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 60; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Burke, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Drake, Dukes, Gaston, Gipson, Graham, Guin, Hamilton, Haney, Hawk, Hawkins, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Letson, Lindsey, Maull, McAdory, McClammy, McMillan, Melton, Millican, Minnifield, Moore, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Penry, Pringle, Rogers (J), Rogers (M), Seibenhener, Sims, Spratt, Starkey, Thomas (J), Townsend, Turnham, Vance and Willis.

-60

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Jackson, the Budget Isolation Resolution relating to the bill, H. 967, was adopted.

Yeas 56; Nays 1.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Burke, Buskey, Clouse, Collins, Dean, Drake, Dukes, Gaines, Gaston, Gipson, Graham, Guin, Hammett, Haney, Hawk, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Knight (A), Lindsey, Maull, McAdory, McClammy, McMillan, Melton, Minnifield, Moore, Morton, Newton (C), Papucci, Parker (T), Penry, Pringle, Rogers (J), Rogers (M), Seibenhener, Sims, Spratt, Starkey, Thomas (J), Turnham, Vance, Venable, Warren and Willis.

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Nay:

Representative Hawkins.

- 1

And the bill:

H. 967. Relating to Marengo County; authorizing the county commission to levy an additional one cent sales and use tax; providing for the collection, distribution, and use of the proceeds of the tax; prescribing penalties and fixing punishment for violation of this act; providing for a termination date; providing for a tag fee; providing for an increase in court costs for district and civil courts, and an imposition of a fee for delivery of summons and other legal documents by the sheriff; and providing for the disposition of the funds.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 56; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Burke, Carothers, Clouse, Collins, Curry, Dean, Dukes, Gaines, Gaston, Gipson, Graham, Hammett, Haney, Hawk, Hayden, Hill, Hilliard, Hinshaw, Houston, Jackson, Johnson (E), Johnson (R), Knight (A), Lindsey, Maull, McAdory, McClammy, McMillan, Melton, Millican, Minnifield, Moore, Morton, Newton (C), Papucci, Parker (T), Penry, Pringle, Reed, Rogers (J), Rogers (M), Sanderford, Seibenhener, Sims, Spratt, Thomas (D), Thomas (J), Turner, Vance, Venable, Warren and Willis.

-56

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Morrow, the Budget Isolation Resolution relating to the bill, H. 987, was adopted.

Yeas 57; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Box, Burke, Carns, Clouse, Curry, Dean, Dukes, Gaines, Gaston, Gipson, Graham, Guin, Hammett, Haney, Hawk, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Letson, Lindsey, McAdory, McClammy, McMillan, Melton, Minnifield, Morrison, Morton, Murphree, Newton (D), Papucci, Parker (T), Payne, Penry, Petelos, Pringle, Rogers (J), Rogers (M), Sanderford, Seibenhener, Sims, Spratt, Thomas (D), Townsend, Turnham, Vance, Venable, Warren and Willis.

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And the bill:

H. 987. Relating to Franklin County; to provide further for fire protection; to levy a fire protection service fee on certain owners of dwellings to provide for certain exemptions; to provide for collection of the fee; to provide for the distribution of funds derived from the fee to fire departments; to provide for the expending and accounting for the funds; and to provide for a referendum.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 61; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Box, Burke, Carns, Carothers, Clouse, Collins, Curry, Dean, Dukes, Gaines, Gaston, Gipson, Graham, Guin, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Knight (A), Letson, Lindsey, McAdory, McClammy, McMillan, Millican, Minnifield, Moore, Morton, Murphree, Papucci, Payne, Penry, Petelos, Pringle, Reed, Rogers (J), Rogers (M), Sanderford, Seibenhener, Sims, Spratt, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, Warren and Willis.

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BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Thomas (J), the Budget Isolation Resolution relating to the bill, H. 988, was adopted.

Yeas 60; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Box, Burke, Clouse, Collins, Curry, Dean, Dukes, Gaines, Gaston, Gipson, Graham, Guin, Hammett, Haney, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Knight (A), Letson, Lindsey, Maull, McAdory, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morton, Murphree, Papucci, Parker (T), Penry, Petelos, Pringle, Reed, Rogers (J), Rogers (M), Sims, Smith, Spratt, Thomas (D), Thomas (J), Turner, Turnham, Vance, Venable, Warren, White and Willis.

-60

And the bill:

H. 988. Relating to Wilcox County; providing for the appointment of a deputy coroner; and providing for an expense allowance of the coroner.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 58; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Box, Burke, Carothers, Clouse, Collins, Curry, Dean, Gaines, Gaston, Gipson, Guin, Hammett, Haney, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Knight (A), Letson, Lindsey, Maull, McAdory, McClammy, McMillan, Melton, Millican, Minnifield, Moore, Morton, Newton (C), Newton (D), Papucci, Parker (T), Penry, Petelos, Pringle, Reed, Rogers (J), Rogers (M), Sims, Spratt, Starkey, Thomas (D), Thomas (J), Vance, Venable, Warren and Willis.

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BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Jackson, the Budget Isolation Resolution relating to the bill, H. 992, was adopted.

Yeas 57; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Box, Burke, Clouse, Collins, Dean, Dukes, Gaston, Gipson, Graham, Guin, Hammett, Haney, Hawk, Hayden, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McMillan, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (D), Page, Papucci, Parker (T), Penry, Petelos, Pringle, Rogers (J), Rogers (M), Seibenhener, Sims, Smith, Spratt, Thomas (J), Vance, Venable, Warren and Willis.

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And the bill:

H. 992. Relating to Marengo County; authorizing the Marengo County Commission to levy a user fee on the issuance of all motor vehicle license tags for passenger automobiles and trucks of any nature in addition to any and all other charges, costs, taxes or fees levied thereon; and providing for the payment, collection and distribution of the net revenues from such user fees.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 55; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Box, Burke, Clouse, Collins, Curry, Dean, Dukes, Gaines, Gaston, Graham, Guin, Hammett, Haney, Hawk, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Knight (A), Layson, Lindsey, Maull, McAdory, McClammy, McMillan, Melton, Millican, Minnifield, Moore, Newton (C), Newton (D), Papucci, Parker (T), Penry, Pringle, Rogers (J), Seibenhener, Sims, Spratt, Thomas (D), Thomas (J), Turnham, Vance, Venable, Warren and Willis.

-55

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Thomas (J), the Budget Isolation Resolution relating to the bill, S. 515, was adopted.

Yeas 61; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Box, Burke, Buskey, Clark (W), Clouse, Collins, Curry, Dean, Dukes, Gaines, Gaston, Gipson, Graham, Guin, Hammett, Haney, Hawk, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Knight (A), Layson, Letson, Lindsey, Maull, McAdory, McClammy, McMillan, Melton, Millican, Minnifield, Moore, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (T), Penry, Petelos, Pringle, Rogers (J), Rogers (M), Sims, Spratt, Thomas (D), Thomas (J), Vance, Venable, Warren and Willis.

-61

And the bill:

S. 515. Relating to Lowndes County; providing the sheriff with an additional expense allowance and providing for a decrease in the expense allowance if the sheriff receives a raise in salary.

was read a third time at length and passed.

Yeas 58; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Clark (W), Clouse, Curry, Dukes, Gaines, Graham, Guin, Hall (A), Hammett, Haney, Hawk, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Jorgensen, Knight (A), Letson, Lindsey, Maull, McAdory, McMillan, Melton, Minnifield, Moore, Morton, Murphree, Newton (D), Papucci, Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Sanderford, Sims, Smith, Spratt, Thomas (D), Thomas (J), Vance, Venable, Warren and Willis.

-58

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Thomas (J), the Budget Isolation Resolution relating to the bill, S. 516, was adopted.

Yeas 51; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Clark (W), Clouse, Curry, Dukes, Gaines, Galliher, Graham, Guin, Haney, Hawk, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Knight (A), Letson, Lindsey, Maull, McAdory, McClammy, Melton, Minnifield, Moore, Morton, Murphree, Newton (D), Papucci, Petelos, Pringle, Reed, Rogers (J), Sanderford, Sims, Spratt, Thomas (J), Vance, Warren and Willis.

-51

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

S. 516. Relating to Lowndes County; providing further for the expense allowance of the county coroner retroactive to July 24, 1991, and amending Section 1 of Act No. 91-327, S. 455 of the 1991 Regular Session (Acts 1991, p. 646), for that purpose.

was read a third time at length and passed.

Yeas 57; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Clark (W), Clouse, Curry, Drake, Gaines, Galliher, Graham, Guin, Hammett, Haney, Hawk, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Jorgensen, Knight (A), Letson, Lindsey, Maull, McAdory, McMillan, Melton, Minnifield, Morton, Murphree, Papucci, Parker (P), Penry, Petelos, Pringle, Reed, Rogers (J), Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Vance, Venable, Warren and Willis.

-57

BUDGET ISOLATION RESOLUTION TEMPORARILY CARRIED OVER

On motion of Representative Graham, the Budget Isolation Resolution and the bill, S. 637, were temporarily carried over.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Reed, the Budget Isolation Resolution relating to the bill, S. 647, was adopted.

Yeas 54; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Box, Boyd, Burke, Buskey, Clark (W), Clouse, Curry, Gaines, Galliher, Gaston, Guin, Hall (L), Hammett, Haney, Hawk, Hill, Hilliard, Hinshaw, Hogan, Johnson (E), Jorgensen, Kennedy, Knight (A), Lindsey, Maull, McMillan, Melton, Minnifield, Mitchell, Moore, Morton, Newton (D), Papucci, Parker (P), Penry, Petelos, Reed, Rogers (J), Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Thomas (J), Turnham, Venable, Warren and Willis.

-54

And the bill:

S. 647. To propose an amendment to the Constitution of Alabama of 1901, to provide for two elected members to the electrical utility owned by the City of Tuskegee in Macon County and to provide for stipends for certain members of the board who are not members of the city council.

was read a third time at length and passed.

Yeas 70; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Crigler, Curry, Dean, Drake, Dukes, Gaines, Galliher, Gaston, Gipson, Guin, Hall (L), Hammett, Haney, Hawk, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Letson, Lindsey, McAdory, McMillan, Melton, Minnifield, Moore, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Penry, Petelos, Pringle, Rogers (J), Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Vance, Venable, Warren and Willis.

-70

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Papucci, the Budget Isolation Resolution relating to the bill, S. 654, was adopted.

Yeas 55; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (M), Boyd, Burke, Clark (W), Clouse, Crigler, Curry, Dean, Drake, Gaines, Gaston, Guin, Hammett, Haney, Hawk, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Knight (A), Letson, Lindsey, McAdory, McMillan, Minnifield, Moore, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Penry, Petelos, Pringle, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Turnham, Vance, Venable, Warren and Willis.

-55

And the bill:

S. 654. Relating to Limestone County; to provide for the salary and expense allowance of the county superintendent of education.

was read a third time at length and passed.

Yeas 58; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Boyd, Burke, Clark (W),

Clouse, Crigler, Curry, Dean, Gaines, Galliher, Gipson, Guin, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Jorgensen, Knight (A), Letson, Lindsey, McAdory, McClammy, McMillan, Melton, Minnifield, Moore, Morton, Murphree, Newton (C), Newton (D), Papucci, Penry, Petelos, Pringle, Rogers (J), Rogers (M), Sims, Smith, Spratt, Thomas (D), Thomas (J), Turnham, Vance, Venable, Warren and Willis.

-58

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Papucci, the Budget Isolation Resolution relating to the bill, S. 661, was adopted.

Yeas 63; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Boyd, Burke, Carothers, Clark (W), Clouse, Crigler, Curry, Dean, Drake, Gaines, Gaston, Gipson, Guin, Hall (A), Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Letson, Lindsey, McAdory, McClammy, McMillan, Melton, Minnifield, Moore, Morrow, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Penry, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (J), Turnham, Vance, Venable, Warren and Willis.

-63

And the bill:

S. 661. Relating to Limestone County; providing an additional expense allowance for members of the Limestone County Board of Education; and providing for the salary of the members commencing with the next term of office.

was read a third time at length and passed.

Yeas 57; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (M), Box, Boyd, Burke, Buskey, Carothers, Clark (W), Clouse, Crigler, Curry, Dean, Drake, Gaines, Gaston, Gipson, Guin, Hammett, Hawk, Hayden, Hill, Hilliard, Hinshaw, Jackson, Johnson (E), Johnson (R), Jorgensen, Letson, Lindsey, Maull, McAdory, McClammy, McMillan, Melton, Minnifield, Moore, Morton, Murphree, Newton (D), Papucci, Parker (P), Penry, Petelos, Pringle, Rogers (M), Sims, Smith, Spratt, Starkey, Thomas (J), Turnham, Vance, Venable, Warren and Willis.

-57

RECESS

On motion of Representative Hammett, the House recessed until the call of the Chair.

HOUSE RECONVENED

The House reconvened. The Speaker called the House to order.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 858. To exempt certain public utility systems formed under Article 10 (commencing with Section 11-50-340) of Chapter 50 of Title 11 of the Code of Alabama 1975, from sales, use, and similar gross receipts taxes; and to provide for retroactive effect to June 29, 1951.

McDOWELL LEE
Secretary

MOTION TO SUSPEND RULES ADOPTED

On motion of Representative McDaniel, the rules were suspended in order to take up out of order the Budget Isolation Resolution and the bill, H. 200.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative McDaniel, the Budget Isolation Resolution relating to the bill, H. 200, was adopted.

Yeas 83; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Buskey, Carns, Clark (W), Clouse, Crigler, Curry, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Letson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Millican, Minnifield, Mitchell,

Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Vance, Venable, Warren, Willis and Wren.

-83

And the bill:

H. 200. (With Substitute): To amend Section 40-21-83 of the Code of Alabama 1975, to provide further for certain utility tax exemptions.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To amend Section 40-21-83 of the Code of Alabama 1975, to provide further for certain utility tax exemptions.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 40-21-83 of the Code of Alabama 1975, is amended to read as follows:

"40-21-83.

"There are ~~hereby~~ specifically excluded from the gross receipts or gross sales of a utility, all revenues derived from any of the following:

"(1) The furnishing of utility services which the State of Alabama is prohibited from taxing under the Constitution or laws of the United States of America or the Constitution of the State of Alabama;_

"(2) The furnishing of utility services which are otherwise taxed under ~~the provisions of Sections 40-23-1 through to 40-23-36, inclusive, or the Alabama Transaction Tax Act of 1992, if enacted into law;~~

"(3) Wholesale sales;_

"(4) The furnishing of electricity, natural gas, or domestic water for use or consumption by in or for the direct production, generation, processing, storage, delivery, or transmission of electricity, natural gas, or domestic water;_

"(5) The furnishing of electricity to a manufacturer or compounder for use in an electrolytic or electrothermal manufacturing or compounding process;_

"(6) The furnishing of natural gas to a manufacturer or compounder as a chemical raw material in the manufacturing or compounding of tangible personal property, but not as fuel or energy;_

"(7) The furnishing of natural gas to be used by a manufacturer or compounder to chemically convert raw materials prior to the use of ~~such~~ the converted raw materials in an electrolytic or electrothermal manufacturing or compounding process; ~~and~~ _

"(8) The use or consumption of electricity by an incorporated municipality, ~~or~~ a board, or corporation organized under the authority of any incorporated municipality in furnishing or providing street lighting or traffic-control systems;_ the use or consumption of telephone services by an incorporated municipality in providing fire alarm systems;_ and the use or consumption of domestic water by an incorporated municipality in extinguishing fires, explosions, or conflagrations.

"(9) The furnishing of natural gas or electricity for use or consumption as fuel or energy in and for the heating of poultry houses."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 89; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Box, Boyd, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Guin, Hall (A), Hall (L), Hamilton, Hammett, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (T), Payne, Penry, Petelos, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

And the bill:

H. 200. To amend Section 40-21-83 of the Code of Alabama 1975, to provide further for certain utility tax exemptions.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 84; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Buskey, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, McClammy, McDaniel, McKee, McMillan, Millican, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Petelos, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

-84

MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Flowers, the rules were suspended in order to take up out of order the Budget Isolation Resolution and the bill, H. 986.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Flowers, the Budget Isolation Resolution relating to the bill, H. 986, was adopted.

Yeas 81; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Boyd, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Letson, Lindsey, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Reed, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith,

Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-81

And the bill:

H. 986. To amend Section 25-5-293, Code of Alabama 1975, relating to workers' compensation; to require that utilization review and bill screening be optional.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 86; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Boyd, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Jackson, Johnson (R), Jorgensen, Knight (A), Laird, Layson, Letson, Lindsey, Maull, McDaniel, McMillan, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-86

MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Curry, the rules were suspended in order to take up out of order the Budget Isolation Resolution and the bill, H. 526.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Curry, the Budget Isolation Resolution relating to the bill, H. 526, was adopted.

Yeas 82; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (R), Jorgensen, Knight (A), Laird, Layson, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Millican, Minnifield, Mitchell, Morrison, Morrow, Morton, Murphree, Papucci, Payne, Penry, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-82

H. 526 TEMPORARILY CARRIED OVER

In accordance with House Rule 21, the bill, H. 526, was temporarily carried over at the request of Representative Curry.

MOTION TO SUSPEND RULES ADOPTED

On motion of Representative McKee, the rules were suspended in order to take up out of order the Budget Isolation Resolution and the bill, H. 435.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 714. To alter, rearrange, and extend the boundary lines of the municipality of West Blocton in Bibb County.

Also:

H. 745. Relating to the Fourteenth Judicial Circuit of Alabama; to authorize the district attorney to establish a "restitution recovery division" within the Office of the District Attorney; to provide for collection and enforcement of court orders in certain cases of nonpayment of restitution to victims of crime, court costs, fines, penalty payments, victims' compensation assessments, and bond forfeitures; to provide for a collection fee; to provide funding for the new restitution recovery division; and to provide for a circuit clerk's fund to assist the clerk in the implementation of this act.

Also:

H. 764. Relating to Walker County; to assess certain fees and additional fees on civil and criminal cases in the county with the proceeds to be used for planning, designing, construction, staffing, operation, and financing of a county jail; and to provide for an advisory referendum.

Also:

H. 782. To prohibit the Building Official of Baldwin County, Alabama, from issuing a building permit for construction of improvements which use certain clays and other materials which are potentially discoloring to the natural white sands and waters in certain areas of the county.

Also:

H. 892. To alter, rearrange, and extend the boundary lines of the Town of Pine Hill in Wilcox County.

Also:

H. 890. Relating to Lamar County; fixing the fee for the issuance of pistol permits in Lamar County and providing for the deposit of such fees in a fund known as the Sheriff's Pistol Permit Fund and providing for the use of the fund and an effective date.

Also:

H. 734. Relating to Colbert County and its municipalities; to amend and reenact Act No. 86-231, S. 515 of the 1986 Regular Session (Acts 1986, p. 341), forming a Shoals Industrial Development authority for promoting industry and trade and the development of the counties and cities; for the purpose of forming a Shoals Economic Development Authority for promoting the economic development of the counties and cities.

Also:

H. 619. Relating to Houston County; authorizing the sheriff to operate a jail concession for county prisoners and state prisoners in county custody; and providing for the deposit, distribution, and auditing of monies earned.

Also:

H. 472. Relating to Houston County; to provide for the issuance of annual boat certificates of registration by mail by the judge of probate; and to provide an additional fee for the purposes of this act.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the foregoing Report of the Standing Committee on Rules.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 251. To make an appropriation of \$295,305 from the Alabama Special Educational Trust Fund to the AIDS Task Force of Alabama, Incorporated for the fiscal year ending September 30, 1996 for programs and services to help prevent the spread of AIDS and to require an operations plan and an audited financial statement.

Also:

H. 253. To make an appropriation of \$47,000 from the Alabama Special Educational Trust Fund to the Black Belt Human Resource Development Center for the fiscal year ending September 30, 1996 and to require an operations plan and audited financial statement prior to release of any funds.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the foregoing Report of the Standing Committee on Rules.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 810. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Sylacauga, in Talladega County.

Also:

H. 833. Relating to law enforcement in Houston County; to further amend Sections I and II of Act No. 671, 1967 Regular Session (Acts 1967, p. 1495), relating to the issuance of pistol permits in Houston County, to provide further for permit fees and distribution of the fees.

Also:

H. 879. Relating to Bullock County; providing for the assessment and collection of additional court costs in the municipal, district, circuit and probate courts of the county; certain other fees of the judge of probate; and providing that the fees collected in the district and circuit courts be used for the benefit of the sheriff's department.

Also:

H. 880. Relating to Bullock County; amending Act No. 79-589, H. 1047, 1979 Regular Session (Acts 1979, p. 1048), to provide further for the expense allowance of the coroner.

Also:

H. 908. Relating to the City of Anniston in Calhoun County; to provide for the restructuring of the Water Works and Sewer Board of the City of Anniston; and to increase the membership.

Also:

H. 914. Relating to the Fourteenth Judicial Circuit; to provide for funding for the Office of the District Attorney by the Walker County Commission; to provide a method for determining amounts; and to provide factors to be used in determining the adequacy of the amount.

Also:

H. 916. Relating to Randolph County; authorizing the sheriff to operate a jail store for prisoners in county custody; providing for the deposit, distribution, and auditing of monies earned; and confirming and ratifying certain prior actions.

Also:

H. 923. Relating to Cherokee County; relating to the compensation and expense allowance for the Sheriff of Cherokee County; to further provide for an additional expense allowance and expiration date therefor and the sheriff's compensation in the next term of office.

Also:

H. 942. Relating to Henry County and the county law library fund in Henry County; and to provide that a portion of the county law library fund be used for the upkeep of the courtrooms in the county.

Also:

H. 943. Relating to Henry County; to amend Act No. 83-558, H. 772 of the 1983 Regular Session (Acts 1983, p. 856), providing for the pistol permit fee of the sheriff and for the distribution of the fees.

Also:

H. 304. Relating to Barbour County and the office of the judge of probate; to provide a special recording or issuance fee in addition to all existing fees and charges for documents filed for record and each motor vehicle certificate of title issued in the county; and to provide for the use of the fees for the payment of general office expenses by the judge of probate; and to provide for an expiration date.

Also:

H. 246. To make an appropriation of \$206,225 from the Alabama Special Educational Trust Fund for the support and maintenance of Lyman Ward Military Academy for the fiscal year ending September 30, 1996, and to require an operations plan prior to release of any funds.

Also:

H. 247. To make an appropriation of \$441,912 from the Alabama Special Educational Trust Fund for the support and maintenance of Marion Military Institute for the fiscal year ending September 30, 1996, and to require an operations plan prior to release of any funds.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the foregoing Report of the Standing Committee on Rules.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 351. Proposing an amendment to the Constitution of Alabama of 1901, to provide that certain elected public officials in Houston County may participate in the Employees' Retirement System in lieu of participating in a supernumerary program or system.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Report of the Standing Committee on Rules.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 661. Relating to Perry County; proposing an amendment to the Constitution of Alabama of 1901; authorizing the Perry County Commission to levy a three mill ad valorem tax for fire protection.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Report of the Standing Committee on Rules.

BILLS ON THIRD READING RESUMED**BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative McKee, the Budget Isolation Resolution relating to the bill, H. 435, was adopted.

Yeas 68; Nays 4.

Yea:

Mr. Speaker, Allen, Boyd, Burke, Carns, Carothers, Clouse, Collins, Crigler, Dean, Dukes, Flowers, Ford, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hill, Hinshaw, Hogan, Hooper, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Laird, Letson, Lindsey, McAdory, McClammy, McDaniel, McKee, Millican, Moore, Morrison, Morrow, Morton, Murphree, Papucci, Parker (P), Parker (T), Payne, Penry, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Seibenhener, Sims, Smith, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, White, Willis and Wren.

-68

Nay:

Representatives Bandy, Hilliard, Knight (J) and Newton (D).

- 4

And the bill:

H. 435. To provide for the suspension or revocation of professional, occupational, business, drivers, and recreational licenses for the failure to pay support, and to establish criteria for reissuing such licenses.

was taken up.

AMENDMENT OFFERED

Representative McKee offered the following amendment #1 to the bill, H. 435:

On page 1, line 9, after the word "of" delete "professional, occupational,"

On page 1, line 19, delete "professional, occupational,"

On page 2, line 14, delete "occupation, profession,"

On page 8, line 12, delete the word "professional,"

H. 435 TEMPORARILY CARRIED OVER

In accordance with House Rule 21, the bill, H. 435, and the pending amendment offered by Representative McKee were temporarily carried over at the request of Representative McKee.

H. 526 TAKEN UP

And the bill:

H. 526. To establish a pension fund for Alabama firefighters; to provide for the disposition of monies, deposits, investments, and the maintenance of books and records; to fix a monthly fee; to provide for eligibility criteria; to provide for refunds of contributions; to require reports and audits of the fund; and to restrict the assignability of rights.

which was previously temporarily carried over was taken up.

AMENDMENT OFFERED

Representative Dolbare offered the following amendment to the bill, H. 526:

On page 11, line 22, after the word "monies" insert the following: , from sources other than state revenues,

On page 11, line 22, insert a period after the word "fund" and delete the remainder of the sentence

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 84; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Boyd, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Payne, Penry, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Townsend, Turner, Vance, Venable, Warren, White and Willis.

And the bill:

H. 526. To establish a pension fund for Alabama firefighters; to provide for the disposition of monies, deposits, investments, and the maintenance of books and records; to fix a monthly fee; to provide for eligibility criteria; to provide for refunds of contributions; to require reports and audits of the fund; and to restrict the assignability of rights.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 82; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Box, Boyd, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Letson, Lindsey, McAdory, McClammy, McDaniel, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Payne, Penry, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Willis.

-82

MOTION TO SUSPEND RULES LOST

The motion offered by Representative Hinshaw to suspend the rules in order to take up out of order the Budget Isolation Resolution and the bill, H. 605, was lost.

Yeas 8; Nays 67.

Yea:

Mr. Speaker, Baker, Hall (A), Hinshaw, Jorgensen, Letson, Morrow and Venable.

- 8

Nay:

Representatives Allen, Bandy, Black (M), Box, Burke, Buskey, Carns, Carothers, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Guin, Hamilton, Hammett, Haney, Hawkins, Hayden,

**REGULAR SESSION
28th Day**

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Hill, Hilliard, Hogan, Hooper, Houston, Jackson, Johnson (R), Kennedy, Knight (A), Knight (J), Laird, Layson, Maull, McDaniel, McKee, McMillan, Millican, Moore, Morrison, Morton, Murphree, Newton (C), Newton (D), Parker (P), Payne, Penry, Petelos, Pringle, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Thomas (D), Townsend, Turnham, Vance, Warren, White and Willis.

-67

H. 435 AGAIN TAKEN UP

AMENDMENT ADOPTED

The question was then on the adoption of the amendment #1 offered by Representative McKee to the bill, H. 435, which was previously temporarily carried over, and the amendment #1 was adopted.

Yeas 64; Nays 20.

Yea:

Mr. Speaker, Allen, Black (M), Boyd, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Curry, Dolbare, Dukes, Ford, Gaines, Gipson, Guin, Hall (A), Hamilton, Haney, Hawkins, Hayden, Hill, Hilliard, Hogan, Hooper, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Laird, Layson, Letson, Lindsey, McDaniel, McKee, McMillan, Melton, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Payne, Penry, Pringle, Robinson, Rogers (M), Sanderford, Sanderson, Spratt, Thomas (D), Turnham, Vance, Venable, Warren, Willis and Wren.

-64

Nay:

Representatives Bandy, Box, Crigler, Dean, Flowers, Galliher, Gaston, Graham, Hammett, Hinshaw, Houston, Knight (J), Maull, McAdory, McClammy, Parker (P), Rogers (J), Seibenhener, Sims and Townsend.

-20

PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative Hall (L) intended to vote "Nay" on adoption of the amendment #1 offered by Representative McKee to the bill, H. 435, as amended.

AMENDMENT OFFERED

Representative McKee offered the following amendment #2 to the bill, H. 435, as amended:

Amend H. 435 at page 5, line 6, after the word "obligor," by striking ~~that the licensing authority is being instructed to suspend the license. At the same time the department shall send a notice to the licensing authority instructing it to suspend the obligor's license.~~ and substituting of the department's decision and the obligor's right to seek judicial review of the decision pursuant to the Alabama Administrative Procedure Act by filing a notice of appeal and a cost bond with the department within 30 days of receipt of the agency's decision. A petition for review shall be filed in the circuit court of Montgomery county or the circuit court of the county where a party resides. The filing of a notice of appeal will result in an automatic stay of suspension of the obligor's license pending the outcome of the appeal.

At page 5, line 11, after "(d)" and before "A," by inserting If the requirements for seeking judicial review are not met within 30 days, the department shall send a notice to the licensing authority instructing it to suspend the obligor's license.

And at page 5, line 13, after the period, by striking ~~The determinations of the department are a final agency decision and are subject to judicial review in the court where the support order was issued.~~

AMENDMENT ADOPTED

And the amendment #2 was adopted.

Yeas 76; Nays 3.

Yea:

Mr. Speaker, Allen, Black (M), Box, Carns, Carothers, Clouse, Collins, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hill, Hilliard, Hogan, Hooper, Jackson, Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Robinson, Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-76

Nay:

Representatives Bandy, Crigler and Johnson (E).

- 3

MOTION TO CARRY OVER TABLED

On motion of Representative McKee, the motion offered by Representative Knight (J) to temporarily carry over the bill, H. 435, as amended, was tabled.

Yeas 46; Nays 25.

Yea:

Representatives Allen, Black (M), Box, Carns, Clouse, Crigler, Curry, Dean, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Guin, Hall (A), Hall (L), Haney, Hawkins, Hill, Hogan, Jorgensen, Knight (A), Maull, McDaniel, McKee, McMillan, Morrison, Morrow, Morton, Newton (C), Papucci, Parker (T), Payne, Penry, Pringle, Robinson, Rogers (M), Sanderford, Smith, Townsend, Vance, Venable, Warren and Willis.

-46

Nay:

Representatives Baker, Bandy, Black (L), Boyd, Buskey, Dolbare, Ford, Graham, Hamilton, Hammett, Hayden, Hilliard, Hinshaw, Houston, Johnson (E), Knight (J), Letson, McAdory, McClammy, Minnifield, Murphree, Newton (D), Parker (P), Reed and Rogers (J).

-25

H. 435 TEMPORARILY CARRIED OVER

In accordance with House Rule 21, the bill, H. 435, as amended, was temporarily carried over at the request of Representative McKee.

MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Hill, the rules were suspended in order to take up out of order the Budget Isolation Resolution and the bill, H. 989.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Hill, the Budget Isolation Resolution relating to the bill, H. 989, was adopted.

Yeas 70; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Box, Boyd, Burke, Carns, Carothers, Crigler, Curry, Dean, Dukes, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (L), Hamilton, Hammett, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Millican, Minnifield, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (T), Payne, Penry, Petelos, Pringle, Rogers (J), Rogers (M), Sanderford, Sims, Smith, Spratt, Thomas (D), Townsend, Vance, Venable, Warren and Willis.

-70

And the bill:

H. 989. To exempt the Alabama Youth Home in Mountain Brook, Alabama from the payment of all state, county, and municipal sales and use taxes.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 78; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Box, Boyd, Burke, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sims, Smith, Spratt, Thomas (D), Townsend, Turner, Vance, Venable, Warren, White and Willis.

-78

MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Hooper, the rules were suspended in order to take up out of order the Budget Isolation Resolution and the bill, H. 746.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Hooper, the Budget Isolation Resolution relating to the bill, H. 746, was adopted.

Yeas 65; Nays 1.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Box, Burke, Carothers, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hamilton, Hammett, Haney, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Knight (A), McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Morrow, Morton, Newton (C), Newton (D), Page, Papucci, Parker (P), Penry, Petelos, Pringle, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Thomas (D), Vance, Venable, Warren, White and Willis.

-65

Nay:

Representative Laird.

- 1

And the bill:

H. 746. Reopening the Employees' Retirement System to allow certain active and vested members of the system to purchase certain credit in the system for service rendered to the Office of Minority Business Enterprise.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 68; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Box, Burke, Carns, Carothers, Collins, Crigler, Curry, Dean, Dukes, Ford, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Layson, Letson, McAdory, McClammy, McDaniel, Melton, Millican, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Payne, Penry, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Smith, Spratt, Thomas (D), Townsend, Turner, Vance, Venable, Warren, White and Willis.

-68

MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Hilliard, the rules were suspended in order to take up out of order the Budget Isolation Resolution and the bill, H. 936.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Hilliard, the Budget Isolation Resolution relating to the bill, H. 936, was adopted.

Yeas 61; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Box, Boyd, Buskey, Clark (W), Collins, Curry, Dean, Dolbare, Dukes, Gaston, Guin, Hall (A), Hall (L), Hammett, Haney, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Jorgensen, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, Melton, Millican, Minnifield, Mitchell, Morrison, Morrow, Murphree, Page, Papucci, Parker (P), Penry, Petelos, Pringle, Reed, Rogers (J), Sanderford, Sims, Smith, Spratt, Thomas (D), Vance, Venable and Willis.

-61

And the bill:

H. 936. (With Amendment): To authorize the mayor of any Class 1, 2, or 3 municipality, subject to budget restraints approved by the governing body, to make cash or non-cash awards to employees of the municipality in recognition of exemplary performance or for innovations that significantly reduce costs or result in outstanding improvements in services to the public.

was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Government, said committee amendment being as follows:

Amend H. 936, Page 1, Line 19, by striking the following language: Class 1, 2, and 3.

Further amend on page 2, line 2 and the beginning of line 3, by striking the following language: Class 1, 2, and 3

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 66; Nays 1.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Box, Boyd, Buskey, Clark (W), Collins, Curry, Dean, Dolbare, Dukes, Gaines, Gaston, Gipson, Guin, Hall (A), Hall (L), Hammett, Haney, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Jorgensen, Knight (J), Laird, Layson, Letson, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Morrison, Morrow, Morton, Murphree, Newton (D), Papucci, Parker (P), Penry, Petelos, Pringle, Reed, Rogers (J), Rogers (M), Sanderford, Sims, Smith, Spratt, Thomas (D), Turner, Vance, Venable, White and Willis.

-66

Nay:

Representative Ford.

- 1

And the bill:

H. 936. To authorize the mayor of any municipality, subject to budget restraints approved by the governing body, to make cash or non-cash awards to employees of the municipality in recognition of exemplary performance or for innovations that significantly reduce costs or result in outstanding improvements in services to the public.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 64; Nays 1.

Yea:

Mr. Speaker, Allen, Black (L), Box, Boyd, Buskey, Clark (W), Collins, Curry, Dean, Dolbare, Dukes, Gaston, Gipson, Guin, Hall (A), Hall (L), Hammett, Haney, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Jorgensen, Knight (A), Knight (J), Laird, Layson, Letson, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Morrison, Morrow, Murphree, Newton (D), Page, Papucci, Penry, Petelos, Pringle, Reed, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Thomas (D), Turner, Vance, Venable, White and Willis.

-64

Nay:

Representative Ford.

- 1

PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative Mitchell intended to vote "Yea" on passage of the bill, H. 936, as amended.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Presiding Officer of the Senate having signed the following Senate Joint Resolutions, your signature thereto is requested:

S.J.R. 146. MOURNING THE DEATH OF JAMES EARL ALBRIGHT OF HUEYTOWN, ALABAMA.

Also:

S.J.R. 147. COMMENDING JC MCCULLARS, THE 1995 OUTSTANDING FATHER OF THE YEAR.

McDOWELL LEE
Secretary

SIGNING OF SENATE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolutions, the titles of which are set out in the foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Presiding Officer of the Senate having signed the following Senate Bills, your signature thereto is requested:

S. 647. To propose an amendment to the Constitution of Alabama of 1901, to provide for two elected members to the electrical utility owned by the City of Tuskegee in Macon County and to provide for stipends for certain members of the board who are not members of the city council.

Also:

S. 654. Relating to Limestone County; to provide for the salary and expense allowance of the county superintendent of education.

Also:

S. 661. Relating to Limestone County; providing an additional expense allowance for members of the Limestone County Board of Education; and providing for the salary of the members commencing with the next term of office.

Also:

S. 515. Relating to Lowndes County; providing the sheriff with an additional expense allowance and providing for a decrease in the expense allowance if the sheriff receives a raise in salary.

Also:

S. 516. Relating to Lowndes County; providing further for the expense allowance of the county coroner retroactive to July 24, 1991, and amending Section 1 of Act No. 91-327, S. 455 of the 1991 Regular Session (Acts 1991, p. 646), for that purpose.

McDOWELL LEE
Secretary

SIGNING OF SENATE BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the foregoing Message from the Senate.

MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Hooper, the rules were suspended in order to take up out of order the Budget Isolation Resolution and the bill, H. 332.

Yeas 46; Nays 5.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Clark (W), Collins, Dean, Dolbare, Dukes, Ford, Gaston, Gipson, Guin, Hall (A), Hammett, Haney, Hawkins, Hill, Hinshaw, Hogan, Hooper, Jackson, Knight (A), Laird, Layson, Letson,

McMillan, Morrison, Morrow, Morton, Page, Papucci, Payne, Pringle, Rogers (M), Sims, Smith, Townsend, Turner, Turnham, Vance, Venable, Warren, White and Willis.

-46

Nay:

Representatives Hall (L), Houston, McAdory, Parker (P) and Sanderson.

- 5

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Hooper, the Budget Isolation Resolution relating to the bill, H. 332, was adopted.

Yeas 76; Nays 2.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Carns, Carothers, Clark (W), Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Millican, Mitchell, Morrison, Morrow, Morton, Murphree, Newton (D), Page, Papucci, Payne, Penry, Pringle, Rogers (M), Sanderford, Smith, Spratt, Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Willis.

-76

Nay:

Representatives Gaines and Sanderson.

- 2

And the bill:

H. 332. To amend Section 13A-11-75, Code of Alabama 1975, relating to the issuance of pistol permits by the sheriff of the county; to provide further for the application forms, duplicated licenses, and the amount of issuance fees; and to authorize the sheriff to perform all acts necessary to comply with federal firearm statutes and regulations.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 74; Nays 4.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Boyd, Carns, Carothers, Clark (W), Collins, Crigler, Curry, Dean, Drake, Dukes, Flowers, Ford, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Hawkins, Hayden, Hill, Hilliard, Hogan, Hooper, Jackson, Johnson (R), Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maul, McAdory, McClammy, McDaniel, McMillan, Millican, Minnifield, Morrison, Morrow, Morton, Murphree, Newton (D), Page, Payne, Penry, Petelos, Pringle, Rogers (J), Rogers (M), Sanderford, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Willis.

-74

Nay:

Representatives Gaines, Hinshaw, Sanderson and Seibenhener.

- 4

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Smitherman (With Notice and Proof):

S. 626. Relating to the Sheriff of Jefferson County; providing for an additional expense allowance for the sheriff; providing that the expense allowances provided to the sheriff shall be eligible for certain treatment for the determination of retirement benefits and allowances and for the withholding of required contributions for membership in any retirement system in which the sheriff may participate.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, S. 626, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 626. Local Legislation No. 2.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator McClain (With Notice and Proof):

S. 653. Relating to the elected Assistant District Attorney's Office, Tenth Judicial Circuit, Jefferson County Bessemer Division; to provide for the appointment, duties, and compensation of deputy district attorneys; and to repeal the following acts: Act No. 245, H. 845, 1975 Regular Session (Acts 1975, p. 773); Act No. 87-721, H. 896, 1987 Regular Session (Acts 1987, p. 1411); Act No. 90-202, H. 449, 1990 Regular Session (Acts 1990, p. 237); and Act No. 93-648, S. 382, 1993 Regular Session (Acts 1993, p. 1119); all relating to the office and compensation of the deputy district attorneys in the Tenth Judicial Circuit Bessemer Division are specifically repealed.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, S. 653, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 653. Local Legislation No. 2.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Sanders (With Notice and Proof):

S. 668. Relating to Monroe County; providing for the establishment of a consolidated and unified system for assessment and collection of taxes under the supervision of an elected county official designated as county revenue commissioner; providing for the election, power, duties, term of office and compensation of the official; combining the offices of tax assessor and tax collector for that purpose; and providing for a referendum on the act.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, S. 668, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 668. Local Legislation No. 1.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Bedford (With Notice and Proof):

S. 667. Relating to Franklin County; to provide further for fire protection; to levy a fire protection service fee on certain owners of dwellings to provide for certain exemptions; to provide for collection of the fee; to provide for the distribution of funds derived from the fee to fire departments; to provide for the expending and accounting for the funds; and to provide for a referendum.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, S. 667, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 667. Local Legislation No 1.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Bailey (With Notice and Proof):

S. 656. Relating to the City of Dothan in Houston County, amending Act No. 93-684 of the 1993 Regular Session, to provide further for the manner of electing the members of the Dothan City Board of Education.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, S. 656, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 656. Local Legislation No. 1.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Langford (With Notice and Proof):

S. 652. Relating to Montgomery County; providing further for the compensation of elected officials in the positions of the revenue commissioner, judge of probate, sheriff, tax assessor, and tax collector.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, S. 652, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 652. Local Legislation No. 5.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Steele (With Notice and Proof):

S. 493. Relating to Marengo County; to amend Section 2 of Act No. 19, H. 227 of the 1978 Regular Session (Acts 1978, p. 84), providing that the compensation of deputies of the Marengo County Sheriff's Department would be based on the compensation of state troopers; to further provide that the compensation of the deputies would include cost-of-living raises received by state troopers.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, S. 493, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 493. Local Legislation No. 1.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Ghee:

S. 592. To authorize the governing bodies of counties and municipalities within the state to establish intercooperative public corporations for efficient compliance with applicable federal and state laws, rules and regulations relating to storm water discharges into municipal separate storm sewers; to provide the designated governing bodies of counties and municipalities within the state with the legal authority to control the contribution of pollutants to municipal storm sewers by storm water discharges associated with industrial activity, as well as illicit discharges and other discharges not composed entirely of storm water, to the extent the same is required under federal and state regulations; to authorize the counties and municipalities the option to participate with the public corporation; to authorize the public corporation to employ individuals directly or indirectly, to contract services, to purchase real and personal property, to construct and oper-

ate storm water facilities, to undertake studies and develop information regarding storm water runoff, to adopt policies, procedures, and rules applicable to its members, to develop pro forma remedies and procedures for enforcement of resolutions and ordinances, to sue and be sued except as immunized hereby, to establish the cost, charges, fees, or assessments necessary to fund operations and activities, to establish procedure for assessment and collection by the tax assessor and tax collector of such cost, charges, fees, or assessments levied by a member governing body, to authorize its agents to enter public or private property to investigate contamination with immunity from trespass, to conduct public hearings in the development of pro forma regulations and ordinances; to exempt the property and income and conveyances of or by the public corporation from state and local taxation and probate fees and taxes; to immunize the public corporation from civil suit and its board members and employees from liability for official duties; to confirm the governmental function of the public corporations' activities; to confirm the same or similar authority, powers, and immunity of governing bodies to control, prohibit, and enforce storm water laws and regulations; to confirm governing bodies' authority to adopt resolutions and ordinances to implement the storm water laws and procedures and this act and to participate in the public corporation and with other governing bodies and to authorize the governing bodies to establish fees, charges, or assessments without referendum unless required by the Constitution, to authorize the levy and collection thereof by the tax assessor and tax collector, to establish by resolution or ordinance necessary enforcement measures, civil suit, and injunctive remedies; to confirm governing bodies' eminent domain authority; to require the tax assessor and tax collector to assist in the collection of fees, charges, and assessments, to establish a lien therefor and a collection commission, to exclude the Alabama Department of Environmental Management permittees, to confirm the continuing authority of the Alabama Department of Environmental Management and other state agencies; to declare the severability provisions and to establish an effective date.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 592. Commerce, Transportation and Utilities.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Bedford:

S. 587. To allow an active member of the Employees' Retirement System to purchase up to two years credit in the system under certain conditions if the member agrees to leave his or her employment at the time of the purchase and defer receipt of retirement benefits until the member would have been eligible to retire without having purchased additional service credit under this act.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 587. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Butler:

S. 612. To amend Section 20-2-58 of the Code of Alabama 1975, relating to the dispensing of a controlled substance in Schedule II, to further provide for the dispensing of prescriptions transmitted by facsimile under certain conditions.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 612. Health.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Langford:

S. 264. To make a supplemental appropriation from the Alabama Special Educational Trust Fund to Auburn University at Montgomery for the fiscal year ending September 30, 1996, and each year thereafter for use at Fort Toulouse in Elmore County.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 264. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senators Sanders, Dial, Dixon, Bailey, Clay, Smitherman, Steele, Hill, McClain, and Escott-Russell:

S. 117. To amend Section 1-3-4, Code of Alabama 1975, to change the date of the fiscal year for the Alabama Special Educational Trust Fund, and to provide for the implementation of the new fiscal year period.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 117. State Administration.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senator Amari:

S. 397. To authorize sheriffs to provide jail concession stores and telephone services for jail prisoners, and to contract for liability insurance; to provide for the use of the proceeds from those stores and services for law enforcement purposes; and to authorize audits of money collected pursuant to this act.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 397. State Administration.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senators Ghee, Mitchell, Butler, Dixon, Figures, and Windom:

S. 244. To provide for the establishment by the State Board of Education in conjunction with the Alabama Commission on Higher Education of a technology pilot program for computer-based teaching of algebra I and other academic discipline subjects or courses in the public schools of this state and make an appropriation to the State Board of Education for the purchase of computer equipment, for the training of math teachers and other teachers in the public schools and colleges participating in the program, and for an evaluation of the pilot program.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 244. Ways and Means.

MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Newton (D), the rules were suspended in order to take up out of order the Budget Isolation Resolution and the bill, H. 39.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Newton (D), the Budget Isolation Resolution relating to the bill, H. 39, was adopted.

Yeas 75; Nays 1.

Yea:

Mr. Speaker, Baker, Bandy, Black (L), Black (M), Box, Boyd, Buskey, Carns, Carothers, Clark (W), Collins, Crigler, Curry, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Guin, Hall (A), Hall (L), Hamilton, Hammett, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (R), Knight (A), Letson, Lindsey, Maull, McAdory, McDaniel, McMillan, Millican, Minnifield, Mitchell, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (T), Payne, Penry, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sims, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Willis.

-75

Nay:

Representative Dolbare.

- 1

And the bill:

H. 39. (With Amendment): To provide for deferments of income from state income tax to the same extent as is provided from federal income tax under certain plans and arrangements provided in Sections 401(k) and 457 of the United States Internal Revenue Code.

was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

Amend H. 39 on Page 2 by deleting Section 2 in its entirety and inserting in lieu thereof the following:

"Section 2. This act shall become effective January 1, 1996."

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 64; Nays 0.

Yea:

Mr. Speaker, Black (L), Black (M), Boyd, Carns, Carothers, Clark (W), Collins, Crigler, Curry, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (R), Knight (A), Laird, Lindsey, Maull, McAdory, McDaniel, McMillan, Millican, Minnifield, Morrison, Morrow, Morton, Newton (D), Page, Papucci, Payne, Penry, Pringle, Rogers (J), Rogers (M), Sanderford, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Venable, Warren, White and Willis.

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And the bill:

H. 39. To provide for deferments of income from state income tax to the same extent as is provided from federal income tax under certain plans and arrangements provided in Sections 401(k) and 457 of the United States Internal Revenue Code.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 70; Nays 1.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Boyd, Buskey, Carns, Carothers, Clark (W), Collins, Crigler, Curry, Dean, Drake, Dukes, Flowers, Gaines, Gaston, Gipson, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (R), Knight (A), Laird, Layson, Letson, Lindsey, Maull, McAdory, McDaniel, McMillan, Melton, Millican, Minnifield, Morrison, Morrow, Morton, Murphree, Newton (D), Page, Papucci, Payne, Robinson, Rogers (J), Rogers (M), Sanderford, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Venable, Warren and White.

-70

Nay:

Representative Dolbare.

- 1

MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Johnson (R), the rules were suspended in order to take up out of order the Budget Isolation Resolution and the bill, H. 541.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Johnson (R), the Budget Isolation Resolution relating to the bill, H. 541, was adopted.

Yeas 69; Nays 0.

Yea:

Mr. Speaker, Black (L), Black (M), Boyd, Carothers, Clark (W), Collins, Crigler, Dean, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (R), Jorgensen, Knight (A), Laird, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Millican, Minnifield, Morrison, Morrow, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Parker (T), Penry, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sims, Smith, Spratt, Thomas (J), Turner, Turnham, Vance, Venable, Warren, White and Willis.

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And the bill:

H. 541. Relating to pharmacists; to provide for the registration and regulation of pharmacy technicians; and to provide for definitions.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 72; Nays 1.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Boyd, Carns, Carothers, Clark (W), Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Hawkins, Hayden, Hill, Hinshaw, Hogan, Houston, Jackson, Johnson (R), Jorgensen, Knight (A), Layson, Letson, Lindsey, Maull, McClammy, McDaniel, McMillan, Millican, Minnifield, Morrison, Morrow, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Penry, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Warren, White and Willis.

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Nay:

Representative McAdory.

- 1

MOTION TO SUSPEND RULES LOST

The motion offered by Representative Jorgensen to suspend the rules in order to take up out of order the Budget Isolation Resolution and the bill, H. 567, was lost.

MOTION TO SUSPEND RULES LOST

The motion offered by Representative Rogers (J) to suspend the rules in order to take up out of order the bill, H. 885, as amended, on the twenty-fourth legislative day was lost.

RESOLUTION

The following resolution was introduced:

By Rules Committee:

H.R. 444. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES; That immediately upon the adoption of this resolution, the following business, in the order set forth below, shall be the special and paramount order of business for the twenty-eighth legislative day, Tuesday, July 25, 1995, taking precedence over the regular order of business or any pending or unfinished business:

And the Following Bills:

Inst Id	Page
S. 1 - By Bedford	32
Corrections Dept., req. to implement a Statewide program of manual labor for all able bodied inmates	
S. 6 - By Langford	12
State Employee Combined Charitable Campaign, st. employee campaign steering committee duties, distrib. of undesignated contributions, Secs. 36-1A-3, 36-1A-4, 36-1A-6 am'd.	

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S. 128 - By Butler 75

Corrections Dept., inmates in co. jails, responsibility of dept. for medical care, Sec. 14-3-30 am'd.

S. 384 - By Windom 78

Real Estate Investment Trusts, provided for, management, merger with foreign and domestic entities

S. 394 - By Denton 114

LaGrange Historical Site, transfer from Alabama Historical Commission to LaGrange Living Historical Association

S. 303 - By Butler 116

AIDS, physicians req. to notify, civil immunity provided, Sec. 22-11A-61 am'd., Act 93-846, 1993 First Sp. Sess., am'd.

S. 454 - By Barron 145

Pardons, Governor required to sign, Sec. 15-22-36 am'd.

S. 227 - By Dixon 63

Legal service contracts to be reviewed by legislative oversight committee, Sec. 29-2-41.2, am'd.

S. 318 - By Denton 161

Motor vehicles, Forest Education, distinctive license plates, Forest Stewardship Education Fund, estab., Forest Stewardship Education Committee, estab., fees, distrib.

S. 214 - By Waggoner 99

Motor vehicles, "Olympic Spirit" distinctive license plates auth., fee, distrib.

S. 331 - By Waggoner 65

Certain persons caring for Olympic participants, exempt from licensure, certification and registration

S. 334 - By Bedford 84

Child support, distrib. by Human Resources Dept. on pro rata basis if insufficient amt. collected, to cease upon fulfillment or child reaching majority, escrow provisions, Secs. 38-10-8, 38-10-12 am'd.

S. 501 - By Windom	153
Uniform Commercial Code, investment securities article repealed and replaced, Article 8 of Title 7 repealed, numerous secs. am'd.	
S. 522 - By Bailey	110
Child custody and visitation, award of in instances of domestic or family violence, factors the court is to consider	
S. 524 - By Bailey	111
Protection from abuse orders, coverage expanded, procedures, relief, penalties, Secs. 30-5-1 to 30-5-10, inclusive, am'd.	
S. 521 - By Bailey	110
Arrests by law enforcement officers without a warrant, term family violence to include harassment, Sec. 15-10-3 am'd.	
S. 523 - By Bailey	111
Crime victims counselors communications with victim confidential privilege terminates on death of victim, Sec. 15-23-42 am'd.	
S. 372 - By Bedford	162
Law enforcement officers, killed in the line of duty, parents added as beneficiaries, Sec. 36-30-1 am'd.	
S. 5 - By Butler	14
Marihuana or cannabis, trafficking, to include stalks, seeds, and stems, exceptions, Sec. 13A-12-231 am'd.	
S. 39 - By McClain	83
District Attorney, court costs involving violations of game and fish laws; Sec 9-11-7 am'd.	
S. 406 - By Butler	146
Drug-free workplace, workers' comp. insurance discount provided	

**REGULAR SESSION
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S. 620 - By Little 147

Emergency telephone 911, maximum service charge, Sec. 11-98-5 am'd.

S. 72 - By Bailey (As Substituted) 159

Employees' Retirement System reopen for cert. legislative employees to purchase prior service credit, Sec. 36-27-50 am'd.

S. 239 - By Lindsey 164

County Commissions, comp. of members and chair, Sec. 11-3-4.1 am'd.

S. 88 - By Mitchem (As Amended) 126

Municipalities, junkyards, license and regulate in police jurisdiction

S. 512 - By Lindsey 144

Foreign Corps., auth. to be sued, Sec. 10-2B-15.02 repealed

S. 342 - By Freeman 84

University of Alabama and Jacksonville State University, police officers, arrest powers, Secs. 16-47-10, 16-52-12 am'd.

S. 206 - By Ghee 62

Tannehill Furnace and Foundry Commission renamed the Alabama Historic Ironworks Commission

S. 56 - By Langford 113

Competitive bids on public contracts, variance when let by local government entity to local bidder, Secs. 41-16-50, 41-16-51, 41-16-54 am'd.

S. 205 - By Hale 67

Firefighters, death or disability, from occupational diseases, Sec. 11-43-144 am'd.

S. 95 - By Bedford (As Amended and Substituted) 85

Real property, mailing address of grantee for conveyance for ad valorem tax purposes, required

S. 457 - By Figures 165

Employees' Retirement System, reopened for purchase of prior service credit for service rendered in local dist. atty's. office and as a court reporter

S. 118 - By Lindsey 167

Divorce, retirement benefits included in the spousal estate, Sec. 30-2-51 am'd.

S. 538 - By Freeman 170

Syphilis, requirement of premarital testing abolished, Sec. 22-11A-15 repealed

S. 296 - By Windom 116

Small loans, late charges, further provided for, increased for payments 10 days or more late, Sec. 5-18-15 am'd.

S. 232 - By Dixon 129

State employees, paid leave for assisting Red Cross during disasters

On motion of Representative Ford, the resolution, H.R. 444, was adopted.

SPECIAL ORDER CALENDAR

The House then proceeded with the consideration of the Special Order Calendar.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Millican, the Budget Isolation Resolution relating to the bill, S. 1, was adopted.

Yeas 86; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Box, Boyd, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Jackson, Johnson (R), Jorgensen, Knight (A), Laird, Layson, Letson, Lindsey, Maull, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, Warren, White and Willis.

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And the bill:

S. 1. To require the Department of Corrections to develop and implement a statewide program of manual labor for all able-bodied inmates within six months after the effective date of this bill, and whenever possible, to work in conjunction with local governments to develop a community-based manual labor work program for inmates; to provide that the program would emphasize the removal of litter from the highways of this state, the cleaning of unauthorized dumps and public cemeteries, the growing and raising of food for use by inmates or for sale to reduce the costs of incarceration to the taxpayers, the cleaning and maintenance of public parks, or municipal, county, or state property; to provide for exemptions; to authorize the department to devise work incentive credits for inmates; to provide that the work incentive credits would be reported to the State Board of Pardons and Paroles; and to provide that any inmate who refuses to work or comply with the department's behavior standards would be reported to the State Board of Pardons and Paroles.

was read a third time at length and passed.

Yeas 89; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Knight (A), Laird, Layson, Letson, Lindsey, Maull, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, Warren, White and Willis.

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BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Knight (J), the Budget Isolation Resolution relating to the bill, S. 6, was adopted.

Yeas 86; Nays 0.

Yea:

Mr. Speaker, Baker, Black (L), Black (M), Box, Boyd, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maul, McAdory, McDaniel, McKee, McMillan, Melton, Millican, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, Warren and Willis.

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And the bill:

S. 6. To amend Sections 36-1A-3, 36-1A-4, and 36-1A-6 of the Code of Alabama 1975, relating to the Alabama State Employee Combined Charitable Campaign Act; to provide further for definitions; to provide further for the state employee campaign steering committee duties; and to provide for the distribution of undesigned contributions.

was read a third time at length and passed.

Yeas 89; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Boyd, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maul, McAdory, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, Warren, Willis and Wren.

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BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Buskey, the Budget Isolation Resolution relating to the bill, S. 128, was adopted.

Yeas 88; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Letson, Lindsey, Maull, McAdory, McDaniel, McKee, McMillan, Millican, Minnifield, Mitchell, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Robinson, Rogers (J), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, Warren, Willis and Wren.

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And the bill:

S. 128. To amend Section 14-3-30, Code of Alabama 1975, relating to the transfer of state inmates from county jails; to provide that when an inmate sentenced to the custody of the Department of Corrections and the department is in receipt of a transcript of such sentence, is housed in a county jail, and the inmate develops a medical condition which requires immediate treatment at a medical-care facility outside the county jail, the department would be financially responsible for the cost of the treatment of the inmate; and to further provide that when an inmate sentenced to the custody of the Department of Corrections and the department is in receipt of a transcript of such sentence is housed in a county jail, and the inmate develops a medical condition or has been diagnosed as having a medical condition which, in the opinion of a physician licensed in Alabama, would require medical treatment or a medical procedure or both, involving a cost of more than two thousand dollars (\$2000), the inmate would be transferred within three days to a state owned or operated correctional facility selected by the Commissioner of the Department of Corrections and shall receive treatment as other state inmates.

was read a third time at length and passed.

Yeas 90; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Letson, Lindsey, Maul, McAdory, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, Warren and Willis.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 286. To amend Sections 34-1-2, 34-1-3, 34-1-6, 34-1-9, 34-1-10, 34-1-13, 34-1-16, 34-1-17, and 34-1-21 of the Code of Alabama 1975; to clarify that public accountants may engage in the practice of public accountancy by means of a limited liability company or limited liability partnership as well as other approved forms of business entities; to authorize the appointment of a nonpublic accountant to the state board of public accountancy; to clarify the ownership and confidential nature of accountant workpapers prepared in connection with peer review programs; and to provide for definitions.

Also:

H. 503. To amend Section 34-13-23 and Section 34-13-56, Code of Alabama 1975, relating to funeral services; to authorize the Alabama Board of Funeral Service to assess administrative fines for violations of the law or rules or regulations promulgated by the board; and to provide that fines received pursuant to this act be deposited into the Alabama State Funeral Directors and Embalmers Fund.

Also:

H. 547. To amend Section 24-7-2 of the Code of Alabama 1975, relating to the membership removal hearing of the Mowa Choctaw Housing Authority; to provide that the tribal council shall conduct the hearing for removal of a member from the authority.

McDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 385. To amend Section 40-21-1, Code of Alabama 1975, to delete navigation companies and toll bridges from the definition of public utility.

Also:

H. 835. To exempt the Rainbow Omega, Inc., from the payment of all state, county, and municipal sales and use taxes.

McDOWELL LEE
Secretary

SPECIAL ORDER CALENDAR RESUMED

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Hooper, the Budget Isolation Resolution relating to the bill, S. 384, was adopted.

Yeas 82; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Laird, Layson, Letson, Lindsey, McAdory, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (T), Payne, Penry, Robinson, Rogers (J), Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable and Willis.

-82

And the bill:

S. 384. To create the Alabama Real Estate Investment Trust Act; to provide for the formation and operation of real estate investment trusts in Alabama; to provide for merger and consolidation of domestic and foreign entities with and into

domestic real estate investment trusts; to provide for filing and certifying fees; and to provide for the treatment of corporations qualifying as real estate investment trusts.

was read a third time at length and passed.

Yeas 86; Nays 0.

Yea:

Mr. Speaker, Allen, Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Collins, Crigler, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Letson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren and Willis.

-86

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 858. To exempt certain public utility systems formed under Article 10 (commencing with Section 11-50-340) of Chapter 50 of Title 11 of the Code of Alabama 1975, from sales, use, and similar gross receipts taxes; and to provide for retroactive effect to June 29, 1951.

Also:

H. 553. Relating to Calhoun County, authorizing the sheriff to sell certain abandoned, stolen, and unclaimed property at public auction; authorizing the sheriff to sell or destroy certain abandoned, stolen, or unclaimed firearms; providing for such an auction and for the disposition of proceeds.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the foregoing Report of the Standing Committee on Rules.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 200. To amend Section 40-21-83 of the Code of Alabama 1975, to provide further for certain utility tax exemptions.

TOMMY CARTER
Chairman

And the bill, H. 200, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 936. To authorize the mayor of any municipality, subject to budget restraints approved by the governing body, to make cash or non-cash awards to employees of the municipality in recognition of exemplary performance or for innovations that significantly reduce costs or result in outstanding improvements in services to the public.

TOMMY CARTER
Chairman

And the bill, H. 936, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 39. To provide for deferments of income from state income tax to the same extent as is provided from federal income tax under certain plans and arrangements provided in Sections 401(k) and 457 of the United States Internal Revenue Code.

TOMMY CARTER
Chairman

And the bill, H. 39, as engrossed, was ordered sent to the Senate.

SPECIAL ORDER CALENDAR RESUMED**BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Black (M), the Budget Isolation Resolution relating to the bill, S. 394, was adopted.

Yeas 79; Nays 0.

Yea:

Mr. Speaker, Allen, Black (M), Box, Boyd, Burke, Buskey, Cams, Carothers, Clark (W), Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Galliher, Gaston, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (J), Laird, Letson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Reed, Robinson, Rogers (J), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (J), Townsend, Turner, Turnham, Venable, Warren and Willis.

-79

And the bill:

S. 394. To transfer the LaGrange Historical Site owned by the Alabama Historical Commission to the LaGrange Living Historical Association.

was read a third time at length and passed.

Yeas 86; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Reed, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren and Willis.

-86

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Carothers, the Budget Isolation Resolution relating to the bill, S. 303, was adopted.

Yeas 84; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Mitchell, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Venable, Warren and Willis.

-84

And the bill:

S. 303. To amend Section 9 of Act No. 93-846 of the 1993 First Special Session, now appearing as Section 22-11A-68, Code of Alabama 1975, to add physicians to the list of persons granted good faith immunity for reporting state health workers infected with HIV or HBV to the State Health Officer.

was read a third time at length and passed.

Yeas 83; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Letson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Page, Papucci, Payne, Penry, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, Warren and Willis.

-83

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Laird, the Budget Isolation Resolution relating to the bill, S. 454, was adopted.

Yeas 82; Nays 4.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Boyd, Burke, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hayden, Hill, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Knight (A), Laird, Layson, Letson, Lindsey, Maull, McDaniel, McKee, McMillan, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Starkey, Thomas (D), Townsend, Turner, Vance, Venable, Warren, White, Willis and Wren.

-82

Nay:

Representatives Knight (J), McAdory, McClammy and Minnifield.

- 4

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H.J.R. 361. DECLARING AN EMERGENCY IN REGARD TO FUNDING FROM THE ALABAMA SPECIAL EDUCATIONAL TRUST FUND FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 1996.

McDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 102. Exempting property in this state from the satisfaction of a claim or judgement of another state or a political subdivision of another state for unpaid income taxes on certain retirement benefits.

Also:

H. 525. To amend Section 12-15-65, Code of Alabama 1975, by requiring that all court orders removing a child from his or her home will contain a finding that the best interest of the child was considered and that reasonable efforts to prevent removal were made or were not appropriate due to emergency or unsafe conditions.

McDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 156. To permit members of the Teachers' Retirement System to purchase up to five years of prior service credit for service rendered as regular employees of Walker College, prior to the merger of the school with the University of Alabama at Birmingham.

McDOWELL LEE
Secretary

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 526. To establish a pension fund for Alabama firefighters; to provide for the disposition of monies, deposits, investments, and the maintenance of books and records; to fix a monthly fee; to provide for eligibility criteria; to provide for refunds of contributions; to require reports and audits of the fund; and to restrict the assignability of rights.

TOMMY CARTER
Chairman

And the bill, H. 526, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 385. To amend Section 40-21-1, Code of Alabama 1975, to delete navigation companies and toll bridges from the definition of public utility.

Also:

H. 835. To exempt the Rainbow Omega, Inc., from the payment of all state, county, and municipal sales and use taxes.

Also:

H. 286. To amend Sections 34-1-2, 34-1-3, 34-1-6, 34-1-9, 34-1-10, 34-1-13, 34-1-16, 34-1-17, and 34-1-21 of the Code of Alabama 1975; to clarify that public accountants may engage in the practice of public accountancy by means of a limited liability company or limited liability partnership as well as other approved forms of business entities; to authorize the appointment of a nonpublic accountant to the state board of public accountancy; to clarify the ownership and confidential nature of accountant workpapers prepared in connection with peer review programs; and to provide for definitions.

Also:

H. 503. To amend Section 34-13-23 and Section 34-13-56, Code of Alabama 1975, relating to funeral services; to authorize the Alabama Board of Funeral Service to assess administrative fines for violations of the law or rules or regulations promulgated by the board; and to provide that fines received pursuant to this act be deposited into the Alabama State Funeral Directors and Embalmers Fund.

Also:

H. 547. To amend Section 24-7-2 of the Code of Alabama 1975, relating to the membership removal hearing of the Mowa Choctaw Housing Authority; to provide that the tribal council shall conduct the hearing for removal of a member from the authority.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the foregoing Report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills and House Joint Resolution, to-wit:

H. 102. Exempting property in this state from the satisfaction of a claim or judgement of another state or a political subdivision of another state for unpaid income taxes on certain retirement benefits.

Also:

H. 525. To amend Section 12-15-65, Code of Alabama 1975, by requiring that all court orders removing a child from his or her home will contain a finding that the best interest of the child was considered and that reasonable efforts to prevent removal were made or were not appropriate due to emergency or unsafe conditions.

Also:

H.J.R. 361. DECLARING AN EMERGENCY IN REGARD TO FUNDING FROM THE ALABAMA SPECIAL EDUCATIONAL TRUST FUND FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 1996.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILLS AND HOUSE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills and the House Joint Resolution, the titles of which are set out in the foregoing Report of the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 558. To amend Sections 32-6-4 and 32-6-4.1 of the Code of Alabama 1975, relating to nondriver identification cards; to provide that any person under the age of 62 years shall renew the nondriver identification card every eight years; to provide that a mentally or physically disabled person who is incapable of obtaining a driver's license shall not be charged, except for the fee of the judge of probate or license commissioner of the county; to provide that a person 62 years of age and older shall not be required to renew the card except as provided by Section 32-6-4.1, Code of Alabama 1975, and the rules and regulations of the Director of the Department of Public Safety; to provide for the cost and renewal of nondriver identification cards; to authorize the Director of Public Safety to adopt and enforce reasonable rules and regulations relating to the use of the nondriver identification card; and to provide for an effective date.

McDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 60. To revise the current child labor laws relating to employment and the safety, health, and welfare of minor persons in the workplace; to repeal conflicting laws, specifically Sections 25-8-1 to 25-8-25, inclusive, and Sections 25-8-27, 25-8-28, 25-8-30, and 25-8-31, Code of Alabama 1975, and to retain certain misdemeanor criminal penalties for violations.

McDOWELL LEE
Secretary

S. 653 REREFERRED

No objection being offered, the Speaker rereferred the bill, S. 653, from the Standing Committee on Local Legislation No. 2 to the Standing Committee on Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 25. To amend Sections 36-1A-3, 36-1A-4, and 36-1A-6 of the Code of Alabama 1975, relating to the Alabama State Employee Combined Charitable Campaign Act; to provide further for definitions; to provide further for the state employee campaign steering committee duties; and to provide for the distribution of undesignated contributions.

Also:

H. 297. To authorize the Department of Corrections to design and install high voltage electrified security fence systems at any proposed medium or maximum security prison facility.

McDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 340. To amend Section 41-15-4 of the Code of Alabama 1975, to allow the State Insurance Fund to arrange for the salvage and sale of property and fixtures for which it has paid the insured value after a loss.

Also:

H. 759. Relating to the Alabama Institute for Deaf and Blind; amending Section 21-1-2 of the Code of Alabama 1975, to alter the composition of the board of trustees of the institution.

McDOWELL LEE
Secretary

RESOLUTIONS

The following resolution was introduced:

By Representative Hooper:

H.R. 445. URGING THE ALABAMA CONGRESSIONAL DELEGATION TO SUPPORT HR 1595.

The resolution, H.R. 445, was read and referred to the Standing Committee on Rules.

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

By Representative Turnham:

H.R. 446. COMMENDING DR. CHARLES F. REEDER FOR DISTINGUISHED SERVICE TO AUBURN UNIVERSITY.

Also:

By Representative Layson:

H.R. 447. COMMENDING JAMES MICHAEL MCBRIDE OF ALICEVILLE, ALABAMA, ON HIS PARTICIPATION IN THE 1995 ALABAMA HIGH SCHOOL LEGISLATIVE LEADERSHIP ACADEMY.

Also:

The following resolutions were introduced:

By Representatives Black (L), Jackson and Hayden:

H.J.R. 448. COMMEMORATING THE 30TH ANNIVERSARY OF THE MEDICARE PROGRAM.

The resolution, H.J.R. 448, was read and referred to the Standing Committee on Rules.

Also:

By Representative Letson:

H.J.R. 449. RENAMING THE LAWRENCE COUNTY COLISEUM THE A. W. TODD COLISEUM.

The resolution, H.J.R. 449, was read and referred to the Standing Committee on Rules.

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

By Representative Crigler:

H.R. 450. COMMENDING MARLENE HART OF GRAND BAY, ALABAMA, FOR OUTSTANDING SERVICE.

Also:

By Representatives Johnson (R) and Carothers:

H.R. 451. MOURNING THE DEATH OF LIEUTENANT COLONEL HENRY NEWTON WILLIFORD, UNITED STATES ARMY RETIRED, OF AUBURN, ALABAMA.

Also:

The following resolution was introduced:

By Representatives Johnson (R) and Carothers:

H.J.R. 452. MOURNING THE DEATH OF LIEUTENANT COLONEL HENRY NEWTON WILLIFORD, UNITED STATES ARMY RETIRED, OF AUBURN, ALABAMA.

The resolution, H.J.R. 452, was read and referred to the Standing Committee on Rules.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Representative Crigler:

H.R. 453. MOURNING THE DEATH OF MRS. EUVATER SESSIONS GRIFFITH OF GRAND BAY, ALABAMA.

Also:

The following resolutions were introduced:

By Representative Ford:

H.J.R. 454. CREATING THE JOINT INTERIM COMMITTEE ON TOURISM.

The resolution, H.J.R. 454, was read and referred to the Standing Committee on Rules.

Also:

By Representative Perdue:

H.R. 455. URGING THE ALABAMA MEDICAID AGENCY TO MAINTAIN CURRENT ELIGIBILITY LEVELS FOR PREGNANT WOMEN AND CHILDREN.

The resolution, H.R. 455, was read and referred to the Standing Committee on Rules.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Representatives Hall (A) and Hinshaw:

H.R. 456. MOURNING THE DEATH OF MR. LAYMON "RED" BLACKBURN OF HUNTSVILLE, ALABAMA.

Also:

The following resolution was introduced:

By Representatives Hall (A) and Hinshaw:

H.J.R. 457. MOURNING THE DEATH OF MR. LAYMON "RED" BLACKBURN OF HUNTSVILLE, ALABAMA.

The resolution, H.J.R. 457, was read and referred to the Standing Committee on Rules.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Representative Thomas (J):

H.R. 458. COMMENDING THE SMILEY-KENNEDY REUNION TO BE HELD ON AUGUST 5, 1995, IN COY, ALABAMA.

Also:

The following resolutions were introduced:

By Representative Letson:

H.J.R. 459. DESIGNATING THE PAT BUTTRUM HIGHWAY.

The resolution, H.J.R. 459, was read and referred to the Standing Committee on Rules.

Also:

By Representative Lindsey:

H.J.R. 460. NAMING THE PERRY A. HAND PARKWAY IN CLEBURNE COUNTY.

The resolution, H.J.R. 460, was read and referred to the Standing Committee on Rules.

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

By Representative Lindsey:

H.R. 461. COMMENDING PATRICK SCOTT WALDROP ON GRADUATING FROM THE ALABAMA AGRICULTURE AND FORESTRY LEADERSHIP DEVELOPMENT PROGRAM.

Also:

By Representative Lindsey:

H.R. 462. COMMENDING DANNY WADE THRASH, D.V.M. ON GRADUATING FROM THE ALABAMA AGRICULTURE AND FORESTRY LEADERSHIP DEVELOPMENT PROGRAM.

Also:

By Representative Lindsey:

H.R. 463. COMMENDING GREGORY CLYDE MARTIN ON GRADUATING FROM THE ALABAMA AGRICULTURE AND FORESTRY LEADERSHIP DEVELOPMENT PROGRAM.

Also:

By Representative Lindsey:

H.R. 464. COMMENDING JOHN REMAH MCDANIEL ON GRADUATING FROM THE ALABAMA AGRICULTURE AND FORESTRY LEADERSHIP DEVELOPMENT PROGRAM.

Also:

By Representative Lindsey:

H.R. 465. COMMENDING KYLE EDWARD MCCULLERS ON GRADUATING FROM THE ALABAMA AGRICULTURE AND FORESTRY LEADERSHIP DEVELOPMENT PROGRAM.

Also:

By Representative Lindsey:

H.R. 466. COMMENDING PHILIP LAMAR MOSELEY ON GRADUATING FROM THE ALABAMA AGRICULTURE AND FORESTRY LEADERSHIP DEVELOPMENT PROGRAM.

Also:

By Representative Jorgensen, Hall (A), Hall (L), Haney, Hinshaw, Papucci and Sanderford:

H.R. 467. MOURNING THE DEATH OF CLYDE HOLT "BUDDY" EDWARDS, JR.

Also:

By Representative Lindsey:

H.R. 468. COMMENDING BRENT ALLEN SHAW ON GRADUATING FROM THE ALABAMA AGRICULTURE AND FORESTRY LEADERSHIP DEVELOPMENT PROGRAM.

Also:

By Representative Lindsey:

H.R. 469. COMMENDING BUTCH RAY LOVELADY ON GRADUATING FROM THE ALABAMA AGRICULTURE AND FORESTRY LEADERSHIP DEVELOPMENT PROGRAM.

Also:

By Representative Lindsey:

H.R. 470. COMMENDING MICHAEL LYNN ISOM ON GRADUATING FROM THE ALABAMA AGRICULTURE AND FORESTRY LEADERSHIP DEVELOPMENT PROGRAM.

Also:

By Representative Lindsey:

H.R. 471. COMMENDING SAMUEL THOMAS HALL, V, ON GRADUATING FROM THE ALABAMA AGRICULTURE AND FORESTRY LEADERSHIP DEVELOPMENT PROGRAM.

Also:

By Representative Lindsey:

H.R. 472. COMMENDING CHARLES EDWARD HALL, JR., ON GRADUATING FROM THE ALABAMA AGRICULTURE AND FORESTRY LEADERSHIP DEVELOPMENT PROGRAM.

Also:

By Representative Lindsey:

H.R. 473. COMMENDING OTIS GEORGE FRENCH ON GRADUATING FROM THE ALABAMA AGRICULTURE AND FORESTRY LEADERSHIP DEVELOPMENT PROGRAM.

Also:

By Representative Lindsey:

H.R. 474. COMMENDING RONALD CRAIG CUSHEN ON GRADUATING FROM THE ALABAMA AGRICULTURE AND FORESTRY LEADERSHIP DEVELOPMENT PROGRAM.

Also:

By Representative Lindsey:

H.R. 475. COMMENDING THOMAS EDWARD CORCORAN ON GRADUATING FROM THE ALABAMA AGRICULTURE AND FORESTRY LEADERSHIP DEVELOPMENT PROGRAM.

Also:

By Representative Lindsey:

H.R. 476. COMMENDING JAMES KENNY CHILDREE ON GRADUATING FROM THE ALABAMA AGRICULTURE AND FORESTRY LEADERSHIP DEVELOPMENT PROGRAM.

Also:

By Representative Lindsey:

H.R. 477. COMMENDING DAVID ROSS SESSIONS ON GRADUATING FROM THE ALABAMA AGRICULTURE AND FORESTRY LEADERSHIP DEVELOPMENT PROGRAM.

Also:

By Representative Lindsey:

H.R. 478. COMMENDING THOMAS LYNN CALHOUN ON GRADUATING FROM THE ALABAMA AGRICULTURE AND FORESTRY LEADERSHIP DEVELOPMENT PROGRAM.

Also:

By Representative Lindsey:

H.R. 479. COMMENDING ALAN PHILLIPS BRUCE ON GRADUATING FROM THE ALABAMA AGRICULTURE AND FORESTRY LEADERSHIP DEVELOPMENT PROGRAM.

Also:

By Representative Lindsey:

H.R. 480. COMMENDING WILLIAM RUSSELL ROBINSON ON GRADUATING FROM THE ALABAMA AGRICULTURE AND FORESTRY LEADERSHIP DEVELOPMENT PROGRAM.

Also:

By Representative Lindsey:

H.R. 481. COMMENDING JOHN BRADLEY BRADY ON GRADUATING FROM THE ALABAMA AGRICULTURE AND FORESTRY LEADERSHIP DEVELOPMENT PROGRAM.

Also:

By Representative Lindsey:

H.R. 482. COMMENDING DANIEL HALL AUTREY, ESQ., ON GRADUATING FROM THE ALABAMA AGRICULTURE AND FORESTRY LEADERSHIP DEVELOPMENT PROGRAM.

Also:

By Representative Lindsey:

H.R. 483. COMMENDING ROBERT EUGENE ADAMS, JR., ON GRADUATING FROM THE ALABAMA AGRICULTURE AND FORESTRY LEADERSHIP DEVELOPMENT PROGRAM.

Also:

By Representative Lindsey:

H.R. 484. COMMENDING LINDA SUE RENN-PIERCE ON GRADUATING FROM THE ALABAMA AGRICULTURE AND FORESTRY LEADERSHIP DEVELOPMENT PROGRAM.

Also:

By Representative Lindsey:

H.R. 485. COMMENDING DR. OSCAR STRICKLAND FOR NINE YEARS AS DIRECTOR OF THE ALABAMA AGRICULTURE AND FORESTRY LEADERSHIP DEVELOPMENT PROGRAM.

Also:

By Representative Lindsey:

H.R. 486. COMMENDING STEVEN HUGH POSEY ON GRADUATING FROM THE ALABAMA AGRICULTURE AND FORESTRY LEADERSHIP DEVELOPMENT PROGRAM.

Also:

By Representative Lindsey:

H.R. 487. COMMENDING RICHARD STEWART PATE ON GRADUATING FROM THE ALABAMA AGRICULTURE AND FORESTRY LEADERSHIP DEVELOPMENT PROGRAM.

Also:

By Representative Lindsey:

H.R. 488. COMMENDING JOY D. DUNBAR ON THE AMBASSADOR TEAM RELATIONSHIP OF THE PENNSYLVANIA STATE RULE AND AUBURN LEADERS PROGRAMS.

Also:

By Representative Lindsey:

H.R. 489. COMMENDING DR. DENNIS A. EVANS ON HIS APPOINTMENT AS DIRECTOR OF THE ALABAMA AGRICULTURE AND FORESTRY LEADERSHIP DEVELOPMENT (LEADERS) PROGRAM.

Also:

By Representative Lindsey:

H.R. 490. COMMENDING WAYMON RAY PACE ON GRADUATING FROM THE ALABAMA AGRICULTURE AND FORESTRY LEADERSHIP DEVELOPMENT PROGRAM.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 16. To require a charitable organization and certain other persons to place a disclosure label in a conspicuous place on a container or other receptacle with products for offer of sale for the purpose of soliciting funds or donations for a charitable purpose; to define the crime of unlawful charitable solicitation; to provide misdemeanor penalties for violations of this act; and to provide exceptions.

Also:

H. 750. To amend Section 18-1A-211, Code of Alabama 1975, which relates to the interest rate paid on judgments for money payment in a condemnation action, to provide that the judgments shall bear interest at the same rate as the prevailing rate paid on 52-week United States Treasury Bills and to further provide for the date of accrual.

McDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Presiding Officer of the Senate having signed the following Senate Bill, your signature thereto is requested:

S. 303. To amend Section 9 of Act No. 93-846 of the 1993 First Special Session, now appearing as Section 22-11A-68, Code of Alabama 1975, to add physicians to the list of persons granted good faith immunity for reporting state health workers infected with HIV or HBV to the State Health Officer.

McDOWELL LEE
Secretary

SIGNING OF SENATE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Presiding Officer of the Senate having signed the following Senate Bills, your signature thereto is requested:

S. 1. To require the Department of Corrections to develop and implement a statewide program of manual labor for all able-bodied inmates within six months after the effective date of this bill, and whenever possible, to work in conjunction with local governments to develop a community-based manual labor work program for inmates; to provide that the program would emphasize the removal of litter

from the highways of this state, the cleaning of unauthorized dumps and public cemeteries, the growing and raising of food for use by inmates or for sale to reduce the costs of incarceration to the taxpayers, the cleaning and maintenance of public parks, or municipal, county, or state property; to provide for exemptions; to authorize the department to devise work incentive credits for inmates; to provide that the work incentive credits would be reported to the State Board of Pardons and Paroles; and to provide that any inmate who refuses to work or comply with the department's behavior standards would be reported to the State Board of Pardons and Paroles.

Also:

S. 6. To amend Sections 36-1A-3, 36-1A-4, and 36-1A-6 of the Code of Alabama 1975, relating to the Alabama State Employee Combined Charitable Campaign Act; to provide further for definitions; to provide further for the state employee campaign steering committee duties; and to provide for the distribution of undesignated contributions.

Also:

S. 128. To amend Section 14-3-30, Code of Alabama 1975, relating to the transfer of state inmates from county jails; to provide that when an inmate sentenced to the custody of the Department of Corrections and the department is in receipt of a transcript of such sentence, is housed in a county jail, and the inmate develops a medical condition which requires immediate treatment at a medical-care facility outside the county jail, the department would be financially responsible for the cost of the treatment of the inmate; and to further provide that when an inmate sentenced to the custody of the Department of Corrections and the department is in receipt of a transcript of such sentence is housed in a county jail, and the inmate develops a medical condition or has been diagnosed as having a medical condition which, in the opinion of a physician licensed in Alabama, would require medical treatment or a medical procedure or both, involving a cost of more than two thousand dollars (\$2000), the inmate would be transferred within three days to a state owned or operated correctional facility selected by the Commissioner of the Department of Corrections and shall receive treatment as other state inmates.

Also:

S. 384. To create the Alabama Real Estate Investment Trust Act; to provide for the formation and operation of real estate investment trusts in Alabama; to provide for merger and consolidation of domestic and foreign entities with and into domestic real estate investment trusts; to provide for filing and certifying fees; and to provide for the treatment of corporations qualifying as real estate investment trusts.

Also:

S. 394. To transfer the LaGrange Historical Site owned by the Alabama Historical Commission to the LaGrange Living Historical Association.

McDOWELL LEE
Secretary

SIGNING OF SENATE BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the foregoing Message from the Senate.

SPECIAL ORDER CALENDAR RESUMED

S. 454 TEMPORARILY CARRIED OVER

On motion of Representative Laird, the bill, S. 454, was temporarily carried over.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Burke, the Budget Isolation Resolution relating to the bill, S. 227, was adopted.

Yeas 81; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (M), Box, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Layson, Letson, Lindsey, McAdory, McClammy, McDaniel, McKee, Melton, Millican, Minnifield, Morrison, Morrow, Morton, Murphree, Page, Papucci, Parker (P), Payne, Perdue, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Warren, White, Willis and Wren.

And the bill:

S. 227. Amending Section 29-2-41.2 of the Code of Alabama 1975, to provide procedures for review of certain legal services contracts by the Legislative Contract Review Oversight Committee.

was read a third time at length and passed.

Yeas 87; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Burke, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Layson, Letson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Venable, Warren, White, Willis and Wren.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 449. To amend Sections 12-11-30 and 12-12-30 of the Code of Alabama 1975, relating to the jurisdiction of the circuit and district courts, to increase the civil jurisdiction of the district courts.

McDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Figures:

S.J.R. 149. A RESOLUTION CREATING A JOINT LEGISLATIVE OVERSIGHT COMMITTEE TO STUDY THE RETIREMENT SYSTEMS OF ALABAMA.

WHEREAS, the Legislature has the constitutional duty to appropriate and safeguard taxpayers' money; and

WHEREAS, the Legislature has provided for a sound retirement program with generous benefits for the state's employees, teachers, and judges; and

WHEREAS, it is the responsibility of the Legislature to maintain the retirement system in the most fiscally responsible manner so as to protect those benefits; and

WHEREAS, the Retirement Systems of Alabama is comprised of three separate state systems and administers the accounts of hundreds of other city, county and public authorities; and

WHEREAS, the state's contributions to the Retirement Systems is expected to total an estimated \$387 million and the contributions for state employees, teachers, and judges is expected to total an additional \$223 million for the 1996 fiscal year; and

WHEREAS, the Retirement Systems of Alabama is expected to have an estimated \$15 billion to invest in the 1996 fiscal year; and

WHEREAS, the Retirement Systems are governed by two separate boards, neither of which has a member of the Legislature as a member; and

WHEREAS, reasonable differences may exist among respected actuaries as to the level of funding necessary to maintain the soundness of the system in order to meet pension obligations; and

WHEREAS, legislative oversight of public pension plans has been cited by the National Conference of State Legislatures Working Group on Pensions as one of the desired elements of a sound public pension plan and such legislative oversight is performed to some degree in at least 17 other states; and

WHEREAS, legislative oversight of the Retirement Systems in Alabama is expected by Alabama taxpayers and is prudent and responsible; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a Permanent Joint Legislative Oversight Committee of the Retirement Systems of Alabama. The committee shall consist of the Speaker of the House of Representatives or his designee, the Lieutenant Governor or his designee, the Chair of the House Ways and Means Committee, the Chairs of the Senate Finance and Taxation

Committees, three members of the House of Representatives appointed by the Speaker, and two members of the Senate appointed by the Lieutenant Governor. The committee shall hold its organizational meeting within thirty days after the adjournment of the 1995 Regular Session of the Legislature. The committee shall meet at the call of the Chair or any majority of members thereof; provided, that the committee shall meet at least once each four months. The committee shall have a continuing existence and may meet, act and conduct its business at any place within this state during the sessions of the Legislature or any recess thereof, and in the interim period between sessions.

BE IT FURTHER RESOLVED, That the Secretary of the Senate, the Clerk of the House of Representatives, the Legislative Reference Service, the Legislative Fiscal Office and the Examiners of Public Accounts shall provide any assistance as may be necessary at the committee's request. Each member of the committee shall be entitled to his or her regular legislative compensation, his or her per diem and travel expenses for each day he or she attends a meeting of the committee which shall be paid out of any funds appropriated for the use of the Legislature, upon warrants drawn on the state comptroller upon requisitions signed by the committee's chair; provided, however, that members shall not receive additional legislative compensation or per diem when the Legislature is in session but they shall receive their travel expenses for all meetings attended. The maximum amount expended under the provisions of this resolution shall not exceed (\$15,000) fifteen thousand.

RESOLVED FURTHER, That it shall be the duty of the committee to study and review the benefits, programs, actuarial condition, practices, investments and procedures of the State Employees' and Teachers' Retirement Systems and the Judicial Retirement Fund as well as the trends and developments in the field of retirement and shall make annual reports and recommendations to the Legislature. The committee shall evaluate and make recommendations to the Legislature concerning any proposed changes in benefits, rates of contributions of the state, investment policies requiring legislative action or other proposals for legislative enactment that would impact the Retirement Systems of Alabama. The committee shall have the authority to employ or contract with its own actuaries, attorneys, or other experts necessary in the performance of its duties.

RESOLVED FURTHER, That the Retirement Systems of Alabama shall cooperate fully with the Permanent Joint Legislative Oversight Committee of the Retirement Systems of Alabama and shall make available the books, investment and financial records, actuarial reports and any other information pertaining to the Retirement Systems of Alabama that the committee determines to be necessary in order to perform its functions under the provisions of this resolution.

RESOLVED FURTHER, That the committee shall report any findings and recommendations to the Legislature no later than the seventh legislative day of each regular session.

McDOWELL LEE
Secretary

SENATE MESSAGE

The resolution, S.J.R. 149, set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senators Windom, Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Davidson, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, and Waggoner:

S.J.R. 151. COMMENDING THE LIEUTENANT GOVERNOR'S SCHOOL AND YOUTH VIOLENCE TASK FORCE.

WHEREAS, the Lieutenant Governor's Task Force on School and Youth Violence is comprised of men, women, and youth who are dedicated to the service of their State and have volunteered their time, effort, energy, and talents to the cause of promoting improvements in public safety, the administration of justice, the quality of education, and the quality of life of all Alabama citizens through the study, analysis, recommendation, and promotion of policies and programs which will reduce violence in Alabama's schools and thus promote the safety of students and teachers, as well as the quality of education; and

WHEREAS, this exceptional group is also dedicated to a comprehensive effort to enhance public safety, the administration of justice, and the reduction of juvenile and adult crime, with emphasis on, but not limited to, prevention, early intervention, parental accountability and involvement; treatment of neglected, abused or multiple-needs children; promotion of family values and school-based programs, including alternative schools; punishment, including non-institutional alternatives to sentencing; intensive follow-up for juvenile offenders; and the identification of effective programs and policies, including private, community-based, public and church-based, for "at risk" children and teens; and

WHEREAS, the individuals on this Task Force attended nine public hearings throughout the State of Alabama, volunteering their time to do so, to hear and learn from the citizens of the State; and

WHEREAS, the members of the Task Force, co-chaired by the Honorable Jimmy Fry and the Honorable John Hall, and under the committee leadership of Pam Baker, Tom Owen, Tom Simon, Esq., Judge Sue Bell Cobb, Reverend Greg

Smith, Chief Johnnie Johnson, Lori Allen Siegelman, Casmarah Mani, and Eva Jones will continue their effort with the help of Sharon Snell, Robert Rumsey, Debbie Smith, Alfred Cattrell, Ronnie Anglin, Cindy Wright, Penny Layne, Irene Hubbard, Judge John Butler, Chief Tyree Richburg, and Sandi Schmidt until a final report and recommendations have been made; and

WHEREAS, in particular, the Task Force worked to construct and promote the program known as "Children First" to further the goals and objectives stated herein; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of their dedication, service, and accomplishment, we hereby most highly commend the Lieutenant Governor's Task Force on School and Youth Violence, and direct that a copy of this resolution be provided for appropriate presentation and display.

McDOWELL LEE
Secretary

SENATE MESSAGE

The resolution, S.J.R. 151, set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Senators McClain, Waggoner, and Biddle:

S.J.R. 150. ENDORSING THE DEVELOPMENT OF THE PROPOSED WEST JEFFERSON AMUSEMENT PARK.

Also:

By Senator Waggoner:

S.J.R. 152. COMMENDING THE VESTAVIA HILLS HIGH SCHOOL REBELS FOR WINNING THE 1995 6A STATE BASEBALL CHAMPIONSHIP.

McDOWELL LEE
Secretary

SENATE MESSAGE

The resolution, S.J.R. 150, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

Also:

The resolution, S.J.R. 152, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Joint Resolution and sends same herewith to the House:

By Senator Roberts:

S.J.R. 113. CREATING THE ECONOMIC DEVELOPMENT PERMANENT LEGISLATIVE OVERSIGHT COMMITTEE AND AN ECONOMIC DEVELOPMENT ADVISORY COMMITTEE.

McDOWELL LEE
Secretary

SENATE MESSAGE

The resolution, S.J.R. 113, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 806. To amend Sections 40-2A-5, 40-2A-7, 40-2A-9, 40-2A-10, and 40-2A-11, Code of Alabama 1975; to provide further for the administrative procedures and operations of the Department of Revenue.

McDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Box, the House concurred in and adopted the Senate amendment to the bill, H. 806, said Senate amendment being as follows:

Amend House Bill 806 as engrossed on Page 3, Line 4, by deleting after the word "ruling." the word "The" and by deleting Lines 5 through 7 in their entirety.

Further amend House Bill 806 as engrossed on Page 4, by deleting Lines 7 through 24 in their entirety.

Further amend House Bill 806 as engrossed on Page 35, by deleting Section 4 on Lines 9 through 14 and renumbering the subsequent Section accordingly.

Further amend House Bill 806 as engrossed on Page 35, Line 17 by deleting after the word "law." the words "The waiver of penalties" and by deleting Lines 18 through 20 in their entirety.

Yeas 90; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 25. To amend Sections 36-1A-3, 36-1A-4, and 36-1A-6 of the Code of Alabama 1975, relating to the Alabama State Employee Combined Charitable Campaign Act; to provide further for definitions; to provide further for the state employee campaign steering committee duties; and to provide for the distribution of undesignated contributions.

Also:

H. 60. To revise the current child labor laws relating to employment and the safety, health, and welfare of minor persons in the workplace; to repeal conflicting laws, specifically Sections 25-8-1 to 25-8-25, inclusive, and Sections 25-8-27, 25-8-28, 25-8-30, and 25-8-31, Code of Alabama 1975, and to retain certain misdemeanor criminal penalties for violations.

Also:

H. 156. To permit members of the Teachers' Retirement System to purchase up to five years of prior service credit for service rendered as regular employees of Walker College, prior to the merger of the school with the University of Alabama at Birmingham.

Also:

H. 297. To authorize the Department of Corrections to design and install high voltage electrified security fence systems at any proposed medium or maximum security prison facility.

Also:

H. 340. To amend Section 41-15-4 of the Code of Alabama 1975, to allow the State Insurance Fund to arrange for the salvage and sale of property and fixtures for which it has paid the insured value after a loss.

Also:

H. 558. To amend Sections 32-6-4 and 32-6-4.1 of the Code of Alabama 1975, relating to nondriver identification cards; to provide that any person under the age of 62 years shall renew the nondriver identification card every eight years; to provide that a mentally or physically disabled person who is incapable of obtaining a driver's license shall not be charged, except for the fee of the judge of probate or license commissioner of the county; to provide that a person 62 years of age and older shall not be required to renew the card except as provided by Section 32-6-4.1, Code of Alabama 1975, and the rules and regulations of the Director of the Department of Public Safety; to provide for the cost and renewal of nondriver identification cards; to authorize the Director of Public Safety to adopt and enforce reasonable rules and regulations relating to the use of the nondriver identification card; and to provide for an effective date.

Also:

H. 759. Relating to the Alabama Institute for Deaf and Blind; amending Section 21-1-2 of the Code of Alabama 1975, to alter the composition of the board of trustees of the institution.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the foregoing Report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 16. To require a charitable organization and certain other persons to place a disclosure label in a conspicuous place on a container or other receptacle with products for offer of sale for the purpose of soliciting funds or donations for a charitable purpose; to define the crime of unlawful charitable solicitation; to provide misdemeanor penalties for violations of this act; and to provide exceptions.

Also:

H. 449. To amend Sections 12-11-30 and 12-12-30 of the Code of Alabama 1975, relating to the jurisdiction of the circuit and district courts, to increase the civil jurisdiction of the district courts.

Also:

H. 750. To amend Section 18-1A-211, Code of Alabama 1975, which relates to the interest rate paid on judgments for money payment in a condemnation action, to provide that the judgments shall bear interest at the same rate as the prevailing rate paid on 52-week United States Treasury Bills and to further provide for the date of accrual.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the foregoing Report of the Standing Committee on Rules.

SPECIAL ORDER CALENDAR RESUMED

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Warren, the Budget Isolation Resolution relating to the bill, S. 318, was adopted.

Yeas 78; Nays 0.

Yea:

Representatives Allen, Baker, Black (L), Black (M), Box, Buskey, Carns, Clouse, Collins, Crigler, Curry, Dean, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Jackson, Jorgensen, Kennedy, Knight (A), Layson, Lindsey, Maull, McClammy, McDaniel, McKee, McMillan, Melton, Moore, Morrison, Morrow, Morton, Newton (C), Page, Papucci, Parker (P), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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And the bill:

S. 318. Providing for distinctive motor vehicle license tags or plates for supporters of Alabama Forests; prescribing the fees for the tags or plates; providing for the establishment of a "Forest Stewardship Education Fund"; providing for the establishment of the "Alabama Forest Stewardship Education Committee"; providing for disposition of the net proceeds from the fees; providing for an expiration date for the tags or plates; and providing for a delayed effective date.

was taken up.

AMENDMENT OFFERED

Representative Warren offered the following amendment to the bill, S. 318:

Amend Senate Bill 318 as engrossed, on Page 1, Line 25, by adding after the word "plates;" the following: "providing for an appropriation to the Alabama Forestry Commission from the Forest Stewardship Education Fund for the fiscal year ending September 30, 1996;"

Further amend Senate Bill 318 as engrossed, on Page 2, by deleting Lines 12 through 26 in their entirety and inserting in lieu thereof the following:

"Section 2. (a) There is hereby established a separate special revenue trust fund in the state treasury to be known as the "Forest Stewardship Education Fund," whose purpose is to promote the professional management of trees and related resources and to educate the general public regarding the contribution that trees and related resources make to the economy and environmental quality of this state.

(b) Proceeds from the additional revenues generated by the fifty dollars (\$50) for the Alabama Forests tags or plates, less administrative costs, shall be submitted monthly by the Alabama State Comptroller to the Forest Stewardship Education Fund. Receipts collected under the provisions of this act are to be deposited in this fund and used only to carry out the provisions of this act. Such receipts shall be disbursed only by warrant of the state comptroller upon the state treasurer, upon itemized vouchers approved by the State Forester; provided that no funds shall be withdrawn or expended except as budgeted and allotted according to the provisions of Sections 41-4-80 through 41-4-96 and 41-19-1 through 41-19-12 of the Code of Alabama 1975, and only in amounts as stipulated in the general appropriations bill or other appropriation bills."

Further amend Senate Bill 318 as engrossed, on Page 5 by deleting Lines 21 through 28 in their entirety.

Further amend Senate Bill 318 as engrossed, on Page 6 by deleting Lines 1 and 2 in their entirety.

Further amend Senate Bill 318 as engrossed, on Page 6, Line 3, by adding the following new Section and renumbering all subsequent Sections accordingly:

"Section 5. There is hereby appropriated for FY 1995-96 to the Alabama Forestry Commission from the Forest Stewardship Education Fund the receipts collected under the provisions of this Act for fiscal year ending September 30, 1996."

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 83; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Maull, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Venable, Warren, White, Willis and Wren.

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And the bill, S. 318, as amended, was read a third time at length and passed.

Yeas 88; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Buskey, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Venable, Warren, Willis and Wren.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 614. To amend Section 41-19-3, Code of Alabama 1975, relating to the Budget Management Act, to change the date that the Governor is required to present the long-range revenue and expenditure plan to the Legislature.

McDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Dean, the House concurred in and adopted the Senate amendment to the bill, H. 614, said Senate amendment being as follows:

Amend House Bill 614 on page 1, line 20 by striking the period and inserting the following: "and provide that the Joint Fiscal Committee shall serve in an advisory capacity to the Governor in the development of the plans."

Further amend on page 2 after line 20 by inserting the following Section 2 and renumbering the remaining Section accordingly:

"Section 2. The Joint Fiscal Committee shall serve in an advisory capacity to the Governor in the development of the long-range program, revenue and expenditure plans. The Joint Fiscal Committee shall be aided by the Legislative Fiscal Office. Members of the Joint Fiscal Committee shall be compensated as provided for in Section 29-5-2, Code of Alabama, 1975."

Amend House Bill 614 in Section 1 on page 2, line 20 after the word "government." by inserting the following: "In addition, the plan shall include a pilot phase of implementation for performance-based budgeting with one or more state agencies. The Joint Fiscal Committee and the Governor shall jointly select state agencies to participate in said pilot phase for the 1996-97 fiscal year."

Yeas 89; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Box, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Venable, Warren, Willis and Wren.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 178. To provide distinctive motor vehicle license tags or plates for members of Lions Club International; providing for the fees for these tags or plates and for the disposition of the net proceeds from the fees; and providing for a delayed effective date.

McDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Drake, the House concurred in and adopted the Senate amendment to the bill, H. 178, said Senate amendment being as follows:

On page 4, line 15, by striking the language "free of charge" and inserting in lieu thereof the following: upon payment of the \$3 fee for the cost of manufacturing the plate.

Yeas 87; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Knight (A), Laird, Layson, Letson, Lindsey, Maull, McAdory, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 474. To require the exchange of immunization status data of patients, upon request, among public and private health care providers, health care insurers, certain educational institutions, and organizations with a need to verify the immunization status of persons in their care, custody, or enrollment; and to provide immunity for the good faith exchange of information pursuant to this act.

McDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Johnson (R), the House concurred in and adopted the Senate amendment to the bill, H. 474, said Senate amendment being as follows:

Amend H. 474 on Page 3, Line 7, after "431.302" by inserting the following:
, Subpart F, safeguarding information pertaining to Medicaid recipients

Further Amend H. 474, Page 3, Line 21, by striking ~~Medicaid~~ and inserting in lieu thereof Medicaid

Yeas 85; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Box, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 228. Relating to state employees; to prohibit the use of polygraph testing of state employees; and to provide for penalties.

McDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 218. Setting forth the Alabama Unincorporated Nonprofit Association Act, providing for the governance, powers, duties, liability in tort and contract, capacity, and standing of a nonprofit association and its members and officers; providing for the effect of a judgment or order, claims for relief, transitions concerning real property, venue, service of process of a nonprofit association, and disposition of property of an inactive or dissolved association; specifying certain laws not repealed; and providing a prospective effective date.

McDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 234. To make appropriations for the ordinary expenses of the executive, legislative and judicial agencies of the State, for other functions of government, for debt service, and for capital outlay for the fiscal year ending September 30, 1996.

McDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Fuller, the House non-concurred in the Senate amendment to the bill, H. 234, and requested the Speaker appoint a Committee on Conference on the disagreement of the two Houses, said Senate amendment being as follows:

A BILL
TO BE ENTITLED
AN ACT

To make appropriations for the ordinary expenses of the executive, legislative and judicial agencies of the State, for other functions of government, for debt service, and for capital outlay for the fiscal year ending September 30, 1996.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

SECTION 1. The monies in Section 2 are appropriated from the named funds for the 1995-96 fiscal year to the state agencies indicated, as the amounts to be used to pay the expenditures of the named agencies, and are in lieu of all monies appropriated for these purposes in other sections of the Alabama Statutes.

For the purpose of this Act, the amounts herein for expenditures are listed by programmatic area and the totals for all programs are shown by the source of funds. It is intended that only the herein named funds be appropriated in the amounts specified to the named agencies; and that the following definitions shall be applicable:

- (a) "Appropriation Total" shall mean the aggregate total of all fund sources.
- (b) "Program" shall mean specific governmental services required to achieve a specific objective. A program shall be directed to meeting the need of an identified clientele, or group of recipients or beneficiaries and shall be expended only for such purposes.
- (c) "Capital Outlay" shall mean expenditures which result in the acquisition and/or addition to items, such as land or buildings, which have an appreciable and calculable period of usefulness in excess of one year, and shall be expended only for such purposes.
- (d) "Debt Service" shall mean an expenditure for the payment of interest and principal on bonded debt obligations of the State, and shall be expended only for such purposes.
- (e) "Federal and Local Funds" shall mean all gifts, grants, contributions, or entitlements, including grants by the Congress of the United States, municipalities or counties.

SECTION 2. There is hereby appropriated for the ordinary expenses of the executive, legislative, and judicial agencies of the State, for other functions of government, for debt service, and for capital outlay for the fiscal year ending September 30, 1996, to be paid out of any monies hereinafter specified, from such other funds and accounts as may be designated, or so much thereof as may be necessary, and the total amount to be expended for the items for which the appropriation is herein made shall not exceed the amount provided therefor,

except as provided in the Budget Management Act of 1976, Sections 41-19-1 through 12, Code of Alabama 1975. Provided, however, that regardless of the ending date of any pay period which has been or may be established by the Legislature for the payment of salaries of state employees, the entire payment due shall be made from the fiscal year's appropriation in which the pay date falls.

Fund Sources Included
In Appropriation Total

General Fund	Earmarked Funds	Appropriation Total
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2A. LEGISLATIVE:

1. EXAMINERS OF PUBLIC
ACCOUNTS, DEPARTMENT OF:

(a) Legislative Support-Audit Services Program.....	11,189,549
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SOURCE OF FUNDS:

(1) State General Fund.....	10,689,549		
(2) Federal Funds.....		500,000	
Total Department of Examiners of Public Accounts.....	10,689,549	500,000	11,189,549

2. LAW INSTITUTE, ALABAMA:

(a) Support of Other Educational Activities Program.....	309,395
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SOURCE OF FUNDS:

(1) State General Fund.....	309,395		
Total Alabama Law Institute.....	309,395		309,395

3. LEGISLATIVE COUNCIL:

(a) Legislative Operations and Support Program.....	288,347
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(b) National Black Caucus of State Legislatures National Conference to be held in Birmingham.....	75,000
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SOURCE OF FUNDS:

(1) State General Fund..... 363,347

Pursuant to Sections 29-6-1 et seq.,
Code of Alabama 1975.

Total Legislative Council..... 363,347 363,347

4. LEGISLATIVE FISCAL OFFICE:

(a) Legislative Operations and Support
Program..... 1,275,479

SOURCE OF FUNDS:

(1) State General Fund..... 1,275,479

Total Legislative Fiscal Office..... 1,275,479 1,275,479

5. LEGISLATIVE REFERENCE
SERVICE:(a) Legislative Operations and Support
Program..... 1,898,560

SOURCE OF FUNDS:

(1) State General Fund..... 1,898,560

Total Legislative Reference Service..... 1,898,560 1,898,560

6. LEGISLATURE:

(a) Legislative Operations and Support
Program..... 13,298,099

It is the intent of the Legislature that
 (1) at least \$30,000 shall be
 allocated for the Senate Finance
 and Taxation Committee, \$30,000
 shall be allocated for the Office of
 the Senate Pro Tempore, \$15,000
 shall be allocated for the Senate
 Floor Leader's Office and \$30,000
 shall be allocated for the Senate
 Rules Committee, (2) at least
 \$90,000 shall be allocated for the

Ways and Means Committee, the House Rules Committee and the Office of the Speaker of the House, and (3) \$7,000 shall be allocated to the permanent municipal government committee as required by Sections 29-2-60 through 29-2-62, Code of Alabama 1975. The appropriation to the Legislature shall be expended under the provisions set forth in Section 29-1-22, Code of Alabama 1975.

SOURCE OF FUNDS:

(1) State General Fund.....	<u>13,298,099</u>	
Total Legislature.....	<u>13,298,099</u>	<u>13,298,099</u>

2B. JUDICIAL:

1. COURT OF CIVIL APPEALS:

(a) Court Operations Program.....		2,355,008
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SOURCE OF FUNDS:

(1) State General Fund.....	<u>2,355,008</u>	
Total Court of Civil Appeals.....	<u>2,355,008</u>	<u>2,355,008</u>

2. COURT OF CRIMINAL APPEALS:

(a) Court Operations Program.....		2,499,923
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SOURCE OF FUNDS:

(1) State General Fund.....	<u>2,499,923</u>	
Total Court of Criminal Appeals.....	<u>2,499,923</u>	<u>2,499,923</u>

3. JUDICIAL INQUIRY COMMISSION:

(a) Administrative Services Program....		125,828
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SOURCE OF FUNDS:

(1) State General Fund.....	<u>125,828</u>	
Total Judicial Inquiry Commission.....	<u>125,828</u>	<u>125,828</u>

4. JUDICIAL RETIREMENT FUND:

(a) Retirement Systems Program.....	1,887,000
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SOURCE OF FUNDS:

(1) State General Fund.....	<u>1,887,000</u>	
Total Judicial Retirement Fund.....	<u>1,887,000</u>	<u>1,887,000</u>

5. SUPREME COURT:

(a) Court Operations Program.....	5,414,809
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SOURCE OF FUNDS:

(1) State General Fund.....	<u>5,414,809</u>	
Total Supreme Court.....	<u>5,414,809</u>	<u>5,414,809</u>

6. SUPREME COURT LIBRARY:

(a) Court Operations - Library Service Program.....	932,704
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SOURCE OF FUNDS:

(1) State General Fund.....	<u>932,704</u>	
Total Supreme Court Library.....	<u>932,704</u>	<u>932,704</u>

7. UNIFIED JUDICIAL SYSTEM:

(Administrative Office of Courts)

(a) Court Operations Program.....	81,979,501
(b) Administrative Services Program....	3,486,895
(c) DUI Referral Program.....	65,092
(d) Fringe Benefit Program, Esti- mated.....	545,000
(e) Court Equipment and Court Securi- ty Program.....	921,704
(f) Judicial Building Operations Program.....	4,146,782

SOURCE OF FUNDS:

(1) State General Fund..... 88,025,923

(2) State General Fund-Social
Security-County Judicial, Esti-
mated..... 545,000

(3) State General Fund
Transfer-Juvenile Justice
Coordinating Council..... 15,395

In accordance with Section 12-15-131,
Code of Alabama 1975.

(4) Court Referral Officer Fund..... 1,850,872

In accordance with Sections 12-23-1
through 12-23-19, Code of
Alabama 1975.

(5) Juvenile Justice Coordinating
Council Fund..... 7,784

(6) Court Automation Fund..... 700,000

In accordance with Section 12-19-180,
Code of Alabama 1975.

Total Unified Judicial System.....	88,586,318	2,558,656	91,144,974
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2C. EXECUTIVE:

1. ACADEMY OF HONOR, ALABAMA:

(a) Historical Resources Management
Program..... 5,000

SOURCE OF FUNDS:

(1) State General Fund..... 5,000

As provided in Section 41-11-6, Code
of Alabama 1975, and an additional
amount.

Total Alabama Academy of Honor.....	5,000	5,000
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2. ACCOUNTANCY, ALABAMA
STATE BOARD OF PUBLIC:

(a) Professional and Occupational Licensing and Regulation Program.....	693,972
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SOURCE OF FUNDS:

(1) Alabama State Board of Public Accountancy Fund.....	693,972
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As provided in Section 34-1-22, Code of Alabama 1975. In addition to the amounts appropriated hereinabove to the State Board of Public Accountancy, there is hereby appropriated such an amount as may be necessary to pay the refund of any application for license which may have been rejected by the Board or withdrawn by request of applicant.

Total Alabama State Board of Public Accountancy.....	693,972	693,972
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3. ADJUSTMENT, BOARD OF:

(a) Special Services Program.....	741,420
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SOURCE OF FUNDS:

(1) State General Fund, Estimated.....	729,620
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For expenditures as provided in Sections 31-3-2 and 36-30-2, Code of Alabama 1975.

(2) State General Fund-Administrative Costs.....	11,800
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As provided by Section 41-9-73, Code of Alabama 1975.

Total Board of Adjustment.....	741,420	741,420
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4. AERONAUTICS, DEPARTMENT
OF:

(a) Aeronautical Administration
Program..... 497,462

(b) Airport Improvement Program,
Estimated..... 553,816

To be used only as grants awarded by
the Alabama Aeronautics'
Commission for the general
promotion, advancement, education
and safety of aeronautics and for
the improvement of airports or other
aeronautical facilities in the State of
Alabama.

(c) Civil Air Patrol Program..... 75,000

SOURCE OF FUNDS:

(1) State General Fund-Civil Air Patrol
Program..... 75,000

(2) Airports Development
Fund-Aviation Fuel Tax..... 1,026,278

As provided by Section 4-2-42, Code
of Alabama 1975.

(3) Airports Development
Fund-Federal Funds..... 25,000

Total Department of Aeronautics..... 75,000 1,051,278 1,126,278

5. AGING, COMMISSION ON:

(a) Planning and Advocacy for the
Elderly Program..... 18,253,526

Of the above appropriation, \$40,000
shall be transferred to the Alabama
Gerontological Society to be
earmarked for use by the Silver
Haired Legislature.

(b) Economic Assistance Program..... 12,813,877

SOURCE OF FUNDS:

(1) State General Fund.....	1,665,263		
(2) State General Fund-Medicaid Waiver.....	3,106,673		
(3) Federal and Local Funds.....		26,295,467	
Total Commission on Aging.....	4,771,936	26,295,467	31,067,403

The Commission on Aging shall contract with the existing Regional Planning Commissions or Councils of Local Governments and/or Area Agencies on Aging to provide services for one-third of the State's present and future client slots for the program known as the "Medicaid Waiver Services Program - Home and Community-Based Waiver for the Elderly and Disabled." The Commission on Aging shall not withdraw Area Agency on Aging designations or alter the funding relationships with existing Area Agencies on Aging and Regional Planning Development Commissions or Councils of Local Governments without the approval of the Board of Directors of the Alabama Commission on Aging and complying with all federal and state statutory and regulatory requirements.

6. AGRICULTURAL AND CONSER-
VATION DEVELOPMENT
COMMISSION:

(a) Water Resource Development Program.....	1,827,326
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SOURCE OF FUNDS:

(1) State General Fund-Transfer.....	1,777,326
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(2) Alabama Agricultural and Conservation Development Commission Revolving Fund.....	50,000		
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As provided in Section 9-8A-4.1, Code of Alabama 1975.

Total Agricultural and Conservation Development Commission.....	<u>1,777,326</u>	<u>50,000</u>	<u>1,827,326</u>
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7. AGRICULTURAL AND INDUSTRIAL EXHIBIT COMMISSION, ALABAMA:

(a) Agricultural Development Services Program.....			35,050
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SOURCE OF FUNDS:

(1) State General Fund.....	<u>35,050</u>		
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Total Alabama Agricultural and Industrial Exhibit Commission.....	<u>35,050</u>		<u>35,050</u>
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8. AGRICULTURAL CENTER BOARD:

(a) Agricultural Development Services Program.....			979,201
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SOURCE OF FUNDS:

(1) State General Fund.....	124,963		
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For expense and awarding of prizes for fairs as provided in Section 2-7-21, Code of Alabama 1975 and other livestock shows and exhibits and other activities.

(2) State General Fund-Operations.....	291,873		
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(3) State General Fund-Livestock Coliseum.....	177,365		
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(4) Livestock Coliseum Fund.....		<u>385,000</u>	
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Total Agricultural Center Board.....	<u>594,201</u>	<u>385,000</u>	<u>979,201</u>
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9. AGRICULTURE AND INDUSTRIES,
DEPARTMENT OF:

(a) Administrative Services Program.... 2,562,458

(b) Agricultural Inspection Services
Program..... 13,605,951

Of the above appropriation,
\$2,720,000 shall be allocated to the
Boll Weevil Eradication Program.

(c) Laboratory Analysis and Disease
Control Program..... 3,409,421

(d) Diagnostic laboratories..... 1,850,000

Of the above appropriation for
Diagnostic Laboratories, it is the
intent of the Legislature that at least
\$250,000 shall be utilized for the
diagnostic laboratory in Hanceville,
Alabama. It is further the intent of
the Legislature that all fees earned
by the diagnostic laboratory in
Hanceville be retained by the
laboratory and utilized for its
operations.

(e) Agricultural Development Services
Program..... 1,614,061

(f) Small Farm Program..... 25,000

SOURCE OF FUNDS:

(1) State General Fund..... 9,854,650

(2) Federal and Local Funds..... 2,421,586

(3) Shipping Point Inspection Fund..... 4,990,241

Pursuant to Sections 2-9-20 et seq.,
Code of Alabama 1975.

(4) Egg Inspection Fund..... 70,000

(5) Agricultural Fund..... 5,730,414

Total Department of Agriculture and
Industries..... 9,854,650 13,212,241 23,066,891

10. AIRPORT AUTHORITY,
ALABAMA INTERNATIONAL:

(a) Airport Development and Aeronautical Support Program.....	70,000
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SOURCE OF FUNDS:

(1) State General Fund.....	70,000	
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Total Alabama International Airport Authority.....	70,000	70,000
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11. AGRICULTURAL MUSEUM
BOARD, ALABAMA:

(a) Agricultural Promotional Program...	85,000
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SOURCE OF FUNDS:

(1) State General Fund.....	85,000	
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Total Alabama Agricultural Museum Board.....	85,000	85,000
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12. ALABAMA TRUST FUND BOARD:

(a) Administrative Program.....	25,156
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SOURCE OF FUNDS:

(1) State General Fund.....	25,156	
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Total Alabama Trust Fund Board.....	25,156	25,156
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13. ALCOHOLIC BEVERAGE
CONTROL BOARD, ALABAMA:

(a) Product Management Program.....	31,000,000
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(b) Enforcement Program.....	8,000,000
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(c) Administrative Services Program...	4,000,000
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The appropriation to the Alabama Alcoholic Beverage Control Board shall include a transfer to the State General Fund of \$6,000,000. The

above transfer shall be made from the operating funds of the Alcoholic Beverage Control Board and shall not affect any distribution of revenue generated from the sale of alcoholic beverages.

SOURCE OF FUNDS:

(1) ABC Board Fund.....	43,000,000
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In addition to the above appropriations herein made, there is hereby appropriated for each additional retail store put into operation during the fiscal year, an amount equal to the sum required to install and operate the last comparable retail store put into operation by said Board. There is further appropriated to the Alabama Alcoholic Beverage Control Board, after provision has been made for the other expenditures herein authorized, such sums as are or may be necessary to purchase the alcoholic beverages which are essential to maintain adequate stocks and inventory for an economic and successful sales operation. In addition to the above appropriation, it is further provided that, in the event any county or municipality of the State shall, during the fiscal period covered by this appropriation by proper referendum, authorize the legal sale of malt and brewed beverages within such county or municipality there is further appropriated, in addition to the amount herein set out, an amount comparable to that expended during the prior fiscal year for beer and license tax supervision within counties or municipalities of similar size and population. Provided, further that the amount appropriated herein

shall be reduced in like manner in the event any county or municipality wherein malt and brewed beverages are now authorized by law to be sold shall, during the fiscal period covered by this appropriation by proper referendum, declare unlawful the sale in such county or municipality of such malt or brewed beverages.

Total Alabama Alcoholic Beverage Control Board.....	43,000,000	43,000,000
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14. ARCHITECTS, BOARD FOR REGISTRATION OF:

(a) Professional and Occupational Licensing and Regulation Program.....	252,500
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SOURCE OF FUNDS:

(1) Fund of the Board for Registration of Architects.....	252,500
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As provided in Section 34-2-41, Code of Alabama 1975.

Total Board for Registration of Architects.....	252,500	252,500
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15. ARCHIVES AND HISTORY, DEPARTMENT OF:

(a) Historical Resources Management Program.....	2,743,551
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Of the above appropriation, at least \$200,000 shall be expended for the Records Retention Program.

SOURCE OF FUNDS:

(1) State General Fund.....	2,631,086
(2) Federal and Local Funds.....	52,465

(3) Archives Historical Collections Fund.....	10,000
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In accordance with Section 41-6-71,
Code of Alabama 1975.

(4) Archives Services Fund.....	50,000
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In accordance with Section 41-6-76,
Code of Alabama 1975.

Total Department of Archives and History.....	2,631,086	112,465	2,743,551
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16. ATHLETE AGENTS REGULATORY COMMISSION:

(a) Professional and Occupational Licensing and Regulation Program.....	25,000
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SOURCE OF FUNDS:

(1) Athlete Agents Regulatory Commission Fund.....	25,000
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As provided in Section 8-26-17, Code
of Alabama 1975.

Total Athlete Agents Regulatory Commission.....	25,000	25,000
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17. ATHLETIC TRAINERS, ALABAMA BOARD OF:

(a) Professional and Occupational Licensing and Regulation Program.....	25,000
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SOURCE OF FUNDS:

(1) Alabama Athletic Trainers Fund.....	25,000
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As provided in Section 34-40-14, Code
of Alabama 1975.

Total Alabama Board of Athletic Trainers.....	25,000	25,000
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18. ATTORNEY GENERAL, OFFICE
OF THE:

(a) Legal Advice and Legal Services Program.....	10,259,145
(b) Fair Marketing Practices Program...	1,051,349

SOURCE OF FUNDS:

(1) State General Fund.....	7,708,806	
(2) State General Fund - Consumer Protection.....	675,376	
(3) State General Fund - Consumer Utility Rate Hearing Fund.....	250,000	
(4) Federal Funds.....	1,309,612	
(5) Miscellaneous Receipts.....	1,281,700	
(6) Attorney General's Litigation Support Fund.....	85,000	

In accordance with Section 36-15-4.2,
Code of Alabama 1975.

Total Office of the Attorney General....	<u>8,634,182</u>	<u>2,676,312</u>	<u>11,310,494</u>
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19. AUCTIONEERS, ALABAMA
STATE BOARD OF:

(a) Professional and Occupational Licensing and Regulation Program.....	115,752
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SOURCE OF FUNDS:

(1) State Board of Auctioneers Fund....	<u>115,752</u>	
Total Alabama State Board of Auctioneers.....	<u>115,752</u>	<u>115,752</u>

20. AUDITOR, STATE:

(a) Fiscal Management Program.....	728,585
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SOURCE OF FUNDS:

(1) State General Fund.....	<u>728,585</u>	
Total State Auditor.....	<u>728,585</u>	<u>728,585</u>

21. BANKING DEPARTMENT,
STATE:

(a) Charter, License and Regulate Financial Institutions Program.....		4,584,879
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SOURCE OF FUNDS:

(1) Banking Assessment Fees.....	3,785,530	
As provided in Section 5-2A-20, Code of Alabama 1975.		
(2) Loan Examination Fund.....	799,349	
As provided in Sections 5-2A-24, 5-16-38.1, and 5-18-5, Code of Alabama 1975.		
Total State Banking Department.....	<u>4,584,879</u>	<u>4,584,879</u>

22. BAR ASSOCIATION, ALABAMA
STATE:

(a) Professional and Occupational Licensing and Regulation Program.....		2,691,426
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SOURCE OF FUNDS:

(1) State Bar Association Fund.....	2,321,625	
As provided in Sections 34-3-4 and 34-3-44, Code of Alabama 1975.		
(2) Federal and Local Funds.....	369,801	
As provided in Sections 34-3-44, 34-3-17 and 34-3-18, Code of Alabama 1975.		
Total Alabama State Bar Association...	<u>2,691,426</u>	<u>2,691,426</u>

23. BEAR CREEK DEVELOPMENT
AUTHORITY:

(a) Water Resource Development Program.....	38,229
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SOURCE OF FUNDS:

(1) State General Fund.....	38,229	
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Total Bear Creek Development Authority.....	38,229	38,229
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24. BUILDING COMMISSION, STATE:

(a) Special Services Program.....	1,147,912
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SOURCE OF FUNDS:

(1) State General Fund.....	447,912	
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(2) Miscellaneous Funds.....	700,000	
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Total State Building Commission.....	447,912	700,000	1,147,912
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25. BUILDING RENOVATION
FINANCE AUTHORITY,
ALABAMA:

(a) Administrative Support Services Program.....	8,058,663
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SOURCE OF FUNDS:

(1) State General Fund-Transfer.....	1,781,989	
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(2) Departmental Receipts, Esti- mated.....	6,276,674	
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Total Alabama Building Renovation Finance Authority.....	1,781,989	6,276,674	8,058,663
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26. CAHAWBA ADVISORY
COMMITTEE:

(a) Historical Resources Management Program.....	16,377
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SOURCE OF FUNDS:

(1) State General Fund.....	16,377		
Total Cahawba Advisory Committee....	16,377		16,377

27. CHILD ABUSE AND NEGLECT
PREVENTION BOARD:

(a) Social Services Program.....			1,041,491
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In accordance with Sections 26-16-1
et seq., Code of Alabama 1975.

SOURCE OF FUNDS:

(1) State General Fund-Transfer.....	477,164		
(2) Children's Trust Fund, Estimated....		564,327	
Total Child Abuse and Neglect Prevention Board.....	477,164	564,327	1,041,491

28. CHILDREN'S SERVICES FACILI-
TATION TEAM:

(a) Human Services Program.....			200,000
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SOURCE OF FUNDS:

(1) State General Fund.....	100,000		
(2) Departmental Receipts.....		100,000	
As provided in Section 12-15-174, Code of Alabama 1975.			
Total Children's Services Facilitation Team.....	100,000	100,000	200,000

29. CHIROPRACTIC EXAMINERS,
ALABAMA STATE BOARD OF:

(a) Professional and Occupational Licensing and Regulation Program.....			159,300
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SOURCE OF FUNDS:

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(1) Alabama State Board of Chiropractic Examiners Fund.....	159,300	
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As provided in Section 34-24-143,
Code of Alabama 1975.

Total Alabama State Board of Chiropractic Examiners.....	159,300	159,300
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30. CHOCCOLOCCO CREEK WATERSHED CONSERVANCY DISTRICT:

(a) Water Resource Development Program.....		19,763
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SOURCE OF FUNDS:

(1) State General Fund.....	19,763	
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Total Choccolocco Creek Watershed Conservancy District.....	19,763	19,763
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31. CHOCTAWHATCHEE-PEA RIVERS WATERSHED MANAGEMENT AUTHORITY:

(a) Water Resource Development Program.....		247,144
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SOURCE OF FUNDS:

(1) State General Fund.....	247,144	
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Total Choctawhatchee-Pea Rivers Watershed Management Authority. .	247,144	247,144
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32. CONSERVATION AND NATURAL RESOURCES, DEPARTMENT OF:

(a) State Land Management Program. .		2,365,240
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(b) Outdoor Recreation Sites and Services Program.....		29,450,139
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(c) Marine Police Program.....		6,565,294
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(d) Wildlife Game and Fish Program....		20,090,740
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(e) Marine Resources Program.....	2,844,980
(f) Administrative Services Program.....	4,538,171
(g) Capital Outlay Program.....	1,165,899

The appropriation to the Department of Conservation and Natural Resources shall include Alabama's pro rata share of the Gulf States Marine Fisheries Commission operation expenses. The appropriation to the Department of Conservation and Natural Resources includes funds for the maintenance, staff and repair of the Governor's official beach mansion.

SOURCE OF FUNDS:

(1) State General Fund- Transfer-Game and Fish Fund.....	372,934
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To implement the provisions of Federal Regulation 50CFR 80.4(a)(3).

(2) Game and Fish Fund-Licenses, Fines, Fees, Interest Income and Other Departmental Receipts.....	14,469,705
(3) Game and Fish Fund-Federal and Local Funds.....	5,974,000
(4) State Lands Fund.....	2,465,240
(5) Marine Resources Fund-Licenses, Taxes, Fines and Other Depart- mental Receipts.....	1,984,980
(6) Marine Resources Fund-Federal and Local Funds.....	900,000

In addition to the monies hereinabove appropriated from the Marine Resources Fund, all monies derived from contracts, grants or other agreements concerning or relating to marine biological research

performed or accomplished at the Marine Resources Division Laboratory at Dauphin Island are hereby appropriated and may be expended by the Commissioner of Conservation on such Marine Resources Division programs or projects which he deems appropriate.

(7) Marine Police Fund-Licenses, Fines, Taxes and Other Departmental Receipts.....	6,115,294
(8) Marine Police Fund-Federal and Local Funds.....	750,000
(9) State Parks Fund.....	311,470
(10) Parks Revolving Fund, Estimated.....	25,138,669
(11) State Parks Fund-Cigarette Tax....	4,000,000
(12) Administrative Funds.....	4,538,171

The funds hereinabove appropriated shall be payable as provided in Sections 9-2-1 et seq., Code of Alabama 1975.

Total Department of Conservation and Natural Resources.....	372,934	66,647,529	67,020,463
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33. CONTRACTORS, STATE
LICENSING BOARD FOR
GENERAL:

(a) Professional and Occupational Licensing and Regulation Program.....	680,709
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SOURCE OF FUNDS:

(1) State Licensing Board for General Contractors Fund.....	680,709
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Pursuant to Section 34-8-25, Code of Alabama 1975. In addition to the amounts appropriated hereinabove to the State Licensing Board for General Contractors, there is hereby appropriated such an amount as may be necessary to pay the refund of any application for license which may have been rejected by the Board or application withdrawn by request of applicant.

Total State Licensing Board for General Contractors.....	680,709	680,709
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34. CORRECTIONS, DEPARTMENT OF:

(a) Administrative Services and Logistical Support Program.....	10,241,885
(b) Institutional Services Corrections Program.....	155,459,772
(c) Community Corrections Program....	2,700,000
(d) Correctional Agricultural and Industries Program.....	18,838,300

The Department of Corrections shall not utilize any portion of its State General Fund appropriation to support the Correctional Industries Program.

SOURCE OF FUNDS:

(1) State General Fund.....	156,000,000
(2) Department of Corrections Industrial Revolving Fund.....	18,838,300

The Commissioner of the Department of Corrections is authorized to utilize funds herein appropriated as matching contributions, where required and appropriate, to generate additional funds which

would effectively increase the appropriations for the Department of Corrections. Any such grant funds so generated and in direct support of the Department of Corrections' operations are also hereby appropriated.

(3) Drug Demand Reduction Fund.....	153,602
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In accordance with Section 13A-12-283, Code of Alabama 1975.

(4) Federal Funds.....	302,057
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(5) Departmental Receipts.....	11,945,998
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Total Department of Corrections.....	156,000,000	31,239,957	187,239,957
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35. COSMETOLOGY, ALABAMA BOARD OF:

(a) Professional and Occupational Licensing and Regulation Program.....	690,000
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SOURCE OF FUNDS:

(1) Alabama Board of Cosmetology Fund.....	690,000
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As provided in Section 34-7-42, Code of Alabama 1975.

Total Alabama Board of Cosmetology.....	690,000	690,000
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36. COUNSELING, ALABAMA BOARD OF EXAMINERS IN:

(a) Professional and Occupational Licensing and Regulation Program.....	206,600
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SOURCE OF FUNDS:

(1) Alabama Board of Examiners in Counseling Fund.....	206,600
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As provided in Section 34-8A-6, Code
of Alabama 1975.

Total Alabama Board of Examiners in Counseling.....	206,600	206,600
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**37. CREDIT UNION
ADMINISTRATION, ALABAMA:**

(a) Charter, License and Regulate Financial Institutions Program.....		676,704
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SOURCE OF FUNDS:

(1) Alabama Credit Union Administra- tion Fund.....	676,704	
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As provided in Section 5-17-7, Code of
Alabama 1975.

Total Alabama Credit Union Administration.....	676,704	676,704
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**38. CRIME VICTIMS COM-
PENSATION COMMISSION,
ALABAMA:**

(a) Special Services Program, Estimated.....		1,188,700
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SOURCE OF FUNDS:

(1) Alabama Crime Victims Compensa- tion Commission Fund, Estimated.....	1,188,700	
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To be expended in accordance with
Sections 15-23-1 through 15-23-23,
Code of Alabama 1975.

Total Alabama Crime Victims Compensa- tion Commission.....	1,188,700	1,188,700
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**39. CRIMINAL JUSTICE INFORMA-
TION CENTER, ALABAMA:**

(a) Criminal Justice Information Services Program.....		4,235,890
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SOURCE OF FUNDS:

(1) State General Fund.....	2,336,735		
(2) Miscellaneous Receipts.....		8,000	
(3) Federal and Local Funds.....		<u>1,891,155</u>	
Total Alabama Criminal Justice Information Center.....	<u>2,336,735</u>	<u>1,899,155</u>	<u>4,235,890</u>

40. DEVELOPMENT OFFICE,
ALABAMA:

(a) Promotional Development Program-Alabama Film Commission.....			212,968
(b) Administrative Services Program....			87,018
(c) Industrial Development Program-Alabama Development Office.....			3,899,778

SOURCE OF FUNDS:

(1) State General Fund-Alabama Development Office.....	3,799,778		
(2) State General Fund-Small Business Office of Advocacy.....	87,018		
(3) State General Fund-Alabama Film Commission.....	212,968		
(4) Departmental Receipts.....		<u>100,000</u>	
Total Alabama Development Office.....	<u>4,099,764</u>	<u>100,000</u>	<u>4,199,764</u>

41. DIETETICS/NUTRITION
PRACTICE, ALABAMA STATE
BOARD OF EXAMINERS FOR:

(a) Professional and Occupational Licensing and Regulation Program.....			60,000
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SOURCE OF FUNDS:

(1) State Board of Dietetics/Nutrition Fund.....	60,000	
Total Alabama State Board of Examiners for Dietetics/Nutrition Practice.....	60,000	60,000

42. DISTRICT ATTORNEYS:

(a) Court Operations Program..... 17,479,930

The proposed spending plan included in the above total is as follows:

Salaries of District Attorneys.....3,628,898

For the use of the elected Assistant District Attorney of the Bessemer Division of the 10th Judicial Circuit.....165,944

Salaries and expenses of Supernumerary District Attorneys.....1,474,278

For use in the District Attorney's Office of the following Judicial Circuits:

1st Judicial Circuit.....160,303

2nd Judicial Circuit.....185,754

3rd Judicial Circuit.....297,150

4th Judicial Circuit.....528,034

5th Judicial Circuit.....490,312

6th Judicial Circuit.....480,874

7th Judicial Circuit.....305,873

8th Judicial Circuit.....210,693

9th Judicial Circuit.....233,632

10th Judicial Circuit.....712,801

11th Judicial Circuit.....	151,766
12th Judicial Circuit.....	396,101
13th Judicial Circuit.....	589,727
14th Judicial Circuit.....	204,030
15th Judicial Circuit.....	614,554
16th Judicial Circuit.....	298,120
17th Judicial Circuit.....	193,158
18th Judicial Circuit.....	422,648
19th Judicial Circuit.....	248,588
20th Judicial Circuit.....	359,775
21st Judicial Circuit.....	236,010
22nd Judicial Circuit.....	266,167
23rd Judicial Circuit.....	528,429
24th Judicial Circuit.....	203,165
25th Judicial Circuit.....	202,242
26th Judicial Circuit.....	339,431
27th Judicial Circuit.....	229,505
28th Judicial Circuit.....	301,560
29th Judicial Circuit.....	364,879
30th Judicial Circuit.....	287,450
31st Judicial Circuit.....	168,676
32nd Judicial Circuit.....	256,817
33rd Judicial Circuit.....	131,622
34th Judicial Circuit.....	158,091

35th Judicial Circuit.....208,160

36th Judicial Circuit.....149,121

37th Judicial Circuit.....274,935

38th Judicial Circuit.....250,040

39th Judicial Circuit.....188,991

40th Judicial Circuit.....154,565

Travel Expenses of District
Attorneys.....60,176Investigators Subsistence-Section
36-21-2, Code of Alabama
1975.....166,885

SOURCE OF FUNDS:

(1) State General Fund.....	17,479,930	
Total District Attorneys.....	17,479,930	17,479,930

43. ECONOMIC AND COMMUNITY
AFFAIRS, ALABAMA DEPART-
MENT OF:

(a) Administrative Support Program..... 7,616,660

(b) Planning Program..... 50,101,839

Of the above appropriation, at least \$510,000 shall be spent for the Regional Planning Commissions; \$50,000 shall be spent for the Alabama Council of Economic Education; \$25,000 shall be spent for the Alabama Commission on Aerospace Science and Industry; and \$25,000 shall be allocated to the Randolph/Clay Volunteer Association.

(c) Special Services Program..... 26,024,455

Of the above appropriation, \$300,000 shall be paid into the Teachers' Retirement System on behalf of Community Action Agency personnel, and at least \$500,000 shall be distributed to community action administering agencies based on their populations below the poverty level, provided however, that not more than 10% of each agency's allocation shall be expended for administration and \$80,000 shall be allocated to the Food Assistance Program through the Community Action Agencies of Montgomery and Elmore counties.

(d) Skills Enhancement and Employment Opportunities Program.....	61,932,256
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(e) Energy Management Program.....	5,204,863
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Of the above appropriation, an amount up to \$10,000 shall be expended for the state's membership dues to the Southern Technology Council.

(f) Police Services Program.....	4,498,288
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(g) Law Enforcement Planning and Development Program.....	12,717,253
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(h) Surplus Property Program.....	3,822,526
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(i) Water Resources Program.....	1,805,111
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(j) PALS/Adopt-A-Mile Program.....	200,000
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SOURCE OF FUNDS:

(1) State General Fund.....	10,494,397
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(2) Federal and Local Funds.....	152,478,006
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(3) Administrative Transfers and Other Departmental Receipts.....	7,188,693
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(4) Administrative Transfers from Federal-Donated Surplus Property Sales.....	2,998,919
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(5) Administrative Transfers from
State-Owned Surplus Property
Sales.....

763,236

Total Alabama Department of Eco-
nomic and Community Affairs.....

10,494,397 163,428,854 173,923,251

44. ELECTRICAL CONTRACTORS,
BOARD OF:(a) Professional and Occupational
Licensing and Regulation
Program.....

99,000

SOURCE OF FUNDS:

(1) Alabama Board of Electrical
Contractors Fund.....

99,000

As provided in Section 34-36-17, Code
of Alabama 1975.

Total Board of Electrical Contractors....

99,000 99,000

45. ELK RIVER DEVELOPMENT
AGENCY:(a) Water Resource Development
Program.....

2,989

SOURCE OF FUNDS:

(1) State General Fund.....

2,989

Total Elk River Development Agency...

2,989 2,989

46. EMERGENCY MANAGEMENT
AGENCY:(a) Readiness and Recovery Pro-
gram.....

20,791,579

(b) Transfer to County Emergency
Management Agencies.....

276,675

The above appropriation of \$276,675
is in addition to the regular
allocations to county emergency
management agencies.

SOURCE OF FUNDS:

(1) State General Fund.....	1,014,870		
(2) Federal and Local Funds.....		20,053,384	
Total Emergency Management Agency.....	1,014,870	20,053,384	21,068,254

47. ENERGY BOARD, SOUTHERN STATES:

(a) Discovery and Development of Mineral, Energy and Water Resources, Geological Research and Topographic Mapping Program.....			21,511
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SOURCE OF FUNDS:

(1) State General Fund.....	21,511		
Total Southern States Energy Board....	21,511		21,511

48. ENGINEERS AND LAND SURVEYORS, STATE BOARD OF REGISTRATION FOR PROFESSIONAL:

(a) Professional and Occupational Licensing and Regulation Program.....			724,191
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SOURCE OF FUNDS:

(1) Professional Engineers Fund.....	724,191		
As provided in Section 34-11-36, Code of Alabama 1975.			
Total State Board of Registration for Professional Engineers and Land Surveyors.....		724,191	724,191

49. ENVIRONMENTAL MANAGEMENT, DEPARTMENT OF:

(a) Environmental Management Program.....			48,236,353
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SOURCE OF FUNDS:

(1) State General Fund-Transfer.....	4,025,650
(2) State General Fund-Transfer to Water Pollution Control Authority.....	799,638
(3) State General Fund-Transfer to Hazardous Substance Cleanup Fund.....	36,347
In accordance with Sections 22-30A-3 through 22-30A-11, Code of Alabama 1975.	
(4) Environmental Management Fines and Fees.....	11,254,295
As provided in Section 22-22A-11, Code of Alabama 1975.	
(5) Federal Funds.....	13,805,046
(6) Federal Match-Water Pollution Control Authority.....	11,000,000
(7) Transfer from Underground and Aboveground Storage Tank Trust Fund.....	705,000
As provided in Section 22-35-9, Code of Alabama 1975.	
(8) Underground and Aboveground Storage Tank Trust Fund.....	4,705,000
As provided in Section 22-35-5, Code of Alabama 1975.	
(9) Environmental Education Fund.....	750,000
In accordance with Section 32-6-156.1, Code of Alabama 1975.	
(10) Hazardous Substance Cleanup Fund.....	205,600

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In accordance with Sections 22-30A-3
through 22-30A-11, Code of
Alabama 1975.

(11) SRF Administrative Fees..... 949,777

In accordance with Section 22-34-3,
Code of Alabama 1975.

Total Department of Environmental Management.....	4,861,635	43,374,718	48,236,353
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50. ETHICS COMMISSION,
ALABAMA:

(a) Regulation of Public Officials and
Employees Program..... 650,000

SOURCE OF FUNDS:

(1) State General Fund.....	650,000	
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Total Alabama Ethics Commission.....	650,000	650,000
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51. FARMERS' MARKET
AUTHORITY:

(a) Agricultural Development Services
Program..... 225,324

(b) Capital Outlay Program..... 50,000

SOURCE OF FUNDS:

(1) State General Fund.....	116,149	
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(2) Farmers' Market Authority Fund.....	159,175	
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Total Farmers' Market Authority.....	116,149	159,175	275,324
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52. FINANCE, DEPARTMENT OF:

(a) Fiscal Management Program..... 4,806,750

(b) Administrative Support Services
Program..... 3,995,984

SOURCE OF FUNDS:

(1) State General Fund.....	8,638,734		
(2) Miscellaneous Funds.....		164,000	
Total Department of Finance.....	8,638,734	164,000	8,802,734

53. FINANCE, DEPARTMENT OF -
CAPITOL COMPLEX MAINTENANCE AND REPAIR:

(a) Administrative Support Services Program.....			8,182,013
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SOURCE OF FUNDS:

(1) Capitol Complex Revolving Fund....	8,182,013		
Total Department of Finance - Capitol Complex Maintenance and Repair...	8,182,013		8,182,013

54. FINANCE, DEPARTMENT OF -
DATA CENTER REVOLVING FUND:

(a) Administrative Support Services Program.....			22,040,820
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SOURCE OF FUNDS:

(1) Data Center Revolving Fund.....	22,040,820		
Total Department of Finance - Data Center Revolving Fund.....	22,040,820		22,040,820

55. FINANCE, DEPARTMENT OF -
MAIL AND SUPPLY:

(a) Administrative Support Services Program.....			7,379,879
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SOURCE OF FUNDS:

(1) Mail and Supply Revolving Fund....	7,379,879		
Total Department of Finance - Mail and Supply.....	7,379,879		7,379,879

56. FINANCE, DEPARTMENT OF -
MOTOR POOL:

(a) Administrative Support Services Program.....	2,244,874
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SOURCE OF FUNDS:

(1) Motor Pool Revolving Fund.....	<u>2,244,874</u>	
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Total Department of Finance - Motor Pool.....	<u>2,244,874</u>	<u>2,244,874</u>
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57. FINANCE, DEPARTMENT OF -
PRINTING AND PUBLICATIONS:

(a) Administrative Support Services Program.....	7,125,453
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SOURCE OF FUNDS:

(1) Printing and Publications Revolving Fund.....	<u>7,125,453</u>	
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Total Department of Finance - Printing and Publications.....	<u>7,125,453</u>	<u>7,125,453</u>
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58. FINANCE, DEPARTMENT OF -
RISK MANAGEMENT:

(a) Administrative Support Services Program.....	2,337,472
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SOURCE OF FUNDS:

(1) State Insurance Fund- Administration.....	1,261,732
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As provided in Sections 41-15-1, et
seq., Code of Alabama 1975.

(2) General Liability Trust Fund-Administration.....	644,422
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As provided in Sections 36-1-6.1, et
seq., Code of Alabama 1975.

(3) Employee Injury Compensation Trust Fund-Administration.....	431,318
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As provided in Sections 36-29A-1, et
seq., Code of Alabama 1975.

Total Department of Finance-Risk Management.....	<u>2,337,472</u>	<u>2,337,472</u>
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59. FINANCE, DEPARTMENT OF -
TELEPHONE REVOLVING FUND:

(a) Administrative Support Services Program.....	16,063,879
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SOURCE OF FUNDS:

(1) State General Fund-Transfer.....	1,270,198
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(2) Telephone Revolving Fund, Estimated.....	<u>14,793,681</u>
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Total Department of Finance - Telephone Revolving Fund.....	<u>1,270,198</u>	<u>14,793,681</u>	<u>16,063,879</u>
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60. FOREIGN TRADE RELATIONS
COMMISSION:

(a) Special Services Program.....	101,300
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SOURCE OF FUNDS:

(1) State General Fund.....	<u>101,300</u>
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Total Foreign Trade Relations Commission.....	<u>101,300</u>	<u>101,300</u>
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61. FORENSIC SCIENCES, DEPART-
MENT OF:

(a) Forensic Science Services Program.....	9,123,664
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SOURCE OF FUNDS:

(1) State General Fund.....	6,371,450
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(2) Federal and Local Funds.....	752,214
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(3) DNA Fund.....	2,000,000		
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Total Department of Forensic Sciences.....	6,371,450	2,752,214	9,123,664
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62. FORESTERS, ALABAMA STATE BOARD OF REGISTRATION FOR:

(a) Professional and Occupational Licensing and Regulation Program.....			45,000
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SOURCE OF FUNDS:

(1) Professional Foresters Fund.....	45,000		
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As provided in Section 34-12-36, Code of Alabama 1975.

Total Alabama State Board of Registration for Foresters.....	45,000		45,000
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63. FORESTRY COMMISSION, ALABAMA:

(a) Forest Resources Protection and Development Program.....			23,815,568
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(b) Capital Outlay Program.....			500,000
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SOURCE OF FUNDS:

(1) State General Fund-Transfer.....	13,273,953		
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(2) Federal and Local Funds.....	3,518,424		
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(3) Forestry Commission Fund.....	7,523,191		
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Total Alabama Forestry Commission....	13,273,953	11,041,615	24,315,568
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Of the above appropriation to the Alabama Forestry Commission, \$2,311,017 shall be used for rural and community fire protection, and \$350,496 shall be used for forestry research, marketing, management and environmental improvement grants.

**64. FOREVER WILD LAND TRUST,
BOARD OF:**

(a) Capital Outlay Program.....	2,524,500
(b) Administration Program.....	775,500

Of the above appropriation to the Administration Program, an amount equal to 15% of capital outlay expenditures shall be transferred to the Alabama Trust Fund Forever Wild Land Trust Stewardship Account.

SOURCE OF FUNDS:

(1) Forever Wild Land Trust Fund.....	3,300,000
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In accordance with the Constitutional Amendment No. 543 adopted pursuant to Act 91-219.

Total Board of Forever Wild Land Trust.....	3,300,000	3,300,000
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**65. FUNERAL SERVICE, ALABAMA
BOARD OF:**

(a) Professional and Occupational Licensing and Regulation Program.....	160,000
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SOURCE OF FUNDS:

(1) Alabama Funeral Directors and Embalmers Fund.....	160,000
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As provided in Section 34-13-23, Code of Alabama 1975.

Total Alabama Board of Funeral Service.....	160,000	160,000
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66. GEOLOGICAL SURVEY:

(a) Discovery and Development of Mineral, Energy and Water Resources, Geologic Research and Topographic Mapping Program.....	3,034,596
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SOURCE OF FUNDS:

(1) State General Fund.....	1,928,858		
(2) Federal and Local Funds.....		1,105,738	
Total Geological Survey.....	1,928,858	1,105,738	3,034,596

67. GORGAS MEMORIAL BOARD:

(a) Historical Resources Management Program.....			3,505
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SOURCE OF FUNDS:

(1) State General Fund.....	3,505		
As provided in Section 41-9-220, Code of Alabama 1975, and an additional amount.			
Total Gorgas Memorial Board.....	3,505		3,505

68. GOVERNOR'S CONTINGENCY
FUND:

(a) Executive Direction Program.....			637,500
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SOURCE OF FUNDS:

(1) State General Fund.....	637,500		
Total Governor's Contingency Fund.....	637,500		637,500

69. GOVERNOR'S MANSION:

(a) Executive Direction Program.....			379,548
(b) Capital Outlay Program.....			60,000

SOURCE OF FUNDS:

(1) State General Fund.....	439,548		
Total Governor's Mansion.....	439,548		439,548

**70. GOVERNOR'S MANSION
ADVISORY BOARD:**

(a) Historical Resources Management Program.....		6,111
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SOURCE OF FUNDS:

(1) State General Fund.....	6,111	
Total Governor's Mansion Advisory Board.....	6,111	6,111

71. GOVERNOR'S OFFICE:

(a) Executive Direction Program.....	2,871,875
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SOURCE OF FUNDS:

(1) State General Fund.....	2,871,875
Total Governor's Office.....	2,871,875

**72. GOVERNOR'S OFFICE ON
NATIONAL AND COMMUNITY
SERVICE:**

(a) Executive Direction Program.....	369,394
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SOURCE OF FUNDS:

(1) State General Fund.....	69,394	
(2) Federal Funds.....		300,000
Total Governor's Office on National and Community Service.....	69,394	300,000

**73. HEALTH, DEPARTMENT OF
PUBLIC:**

(a) Personal Health Services Program.....	125,976,689
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(b) Health Support Services Program...	182,451,548
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Of the amount appropriated to support local health department services, \$5,000,000 shall be used to provide a minimum staff in each of the 67 counties and the remaining shall be allocated to the counties on the basis of need and a match formula to be determined by the Department.

(c) Administrative Services Program.... 15,553,596

SOURCE OF FUNDS:

(1) State General Fund..... 29,728,699

(2) State General Fund for Homebound and Community Based Waiver Program..... 7,500,000

(3) Cigarette Tax-\$0.01 and \$0.02..... 1,600,000

As provided in Section 40-25-2 and Section 40-25-23, Code of Alabama 1975.

(4) Vital Statistics Fund..... 3,517,690

(5) Hospital Licensing Fund..... 450,000

(6) Emergency Medical Services Fund 96,000

As provided in Section 22-18-4, Code of Alabama 1975.

(7) Local Health Departments..... 106,239,285

(8) Milk Processing Fee..... 30,562

In accordance with Sections 20-1-140 through 20-1-146, Code of Alabama 1975.

(9) Radiation Safety Fund..... 1,561,804

(10) Miscellaneous Funds..... 20,036,935

(11) Federal Funds..... 126,774,603

(12) Alabama Legacy for Environmental Research Trust Fund.....	1,000,000
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As provided in Section 22-30B-19,
Code of Alabama 1975.

(13) Health-Medicaid Fund.....	<u>25,446,255</u>
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Total Department of Public Health.....	<u>37,228,699</u>	<u>286,753,134</u>	<u>323,981,833</u>
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Of the above appropriation to the Department of Public Health, at least \$2,000,000 shall be spent on perinatal activities. The Department of Public Health will reimburse to the Alabama Medicaid Agency the state match necessary to cover increased revenues for services as a result of fee increases. The Department of Public Health will be responsible to the Alabama Medicaid Agency for any disallowance of Public Health Department costs as a result of federal or state audit.

74. HEALTH PLANNING AGENCY, STATE:

(a) Health Planning Development and Regulation Program.....	850,000
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SOURCE OF FUNDS:

(1) Certificate of Need Fees.....	800,000
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(2) Departmental Receipts.....	<u>50,000</u>
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Total State Health Planning Agency.....	<u>850,000</u>	<u>850,000</u>
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75. HEARING INSTRUMENT DEALERS, ALABAMA BOARD OF:

(a) Professional and Occupational Licensing and Regulation Program.....	54,000
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SOURCE OF FUNDS:

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(1) Hearing Instrument Dealers Fund... 54,000

As provided in Section 34-14-33, Code
of Alabama 1975.

Total Alabama Board of Hearing Instrument Dealers.....	54,000	54,000
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76. HEATING AND AIR CONDITION-
ING CONTRACTORS, BOARD OF:

(a) Professional and Occupational Licensing and Regulation Program.....		401,350
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SOURCE OF FUNDS:

(1) Heating and Air Conditioning Contractors Fund.....	401,350	
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As provided in Sections 34-31-18
through 34-31-34, Code of
Alabama 1975.

Total Board of Heating and Air Condi- tioning Contractors.....	401,350	401,350
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77. HERITAGE TRUST FUND,
ALABAMA:

(a) Fiscal Management Program.....		20,000
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SOURCE OF FUNDS:

(1) Heritage Trust Income.....	20,000	
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Total Alabama Heritage Trust Fund.....	20,000	20,000
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78. HISTORIC BLAKELEY
AUTHORITY:

(a) Historical Resources Management Program.....		100,000
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SOURCE OF FUNDS:

(1) State General Fund.....	100,000	
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Total Historic Blakeley Authority.....	100,000	100,000
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**79. HISTORIC CHATTAHOOCHEE
COMMISSION:**

(a) Historical Resources Management Program.....	118,180
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SOURCE OF FUNDS:

(1) State General Fund.....	118,180	
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Total Historic Chattahoochee Commission.....	118,180	118,180
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The funds hereby appropriated are to
be expended only for grants,
projects, and/or any other legal
purposes in the State of Alabama.

**80. HISTORICAL COMMISSION,
ALABAMA:**

(a) Historical Resources Management Program.....	4,197,456
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(b) Capital Outlay Program.....	75,000
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SOURCE OF FUNDS:

(1) State General Fund-Transfer.....	2,197,072
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The above appropriation shall be
distributed as follows:

Historical Commission, Ala- bama.....	746,887
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Historical Commission, Alabama- La Grange.....	15,549
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Historical Commission, Alabama-Magnolia Grove.....	27,124
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Historical Commission, Alabama-Fort Morgan.....	129,198
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Historical Commission, Alabama-Fort Toulouse.....	127,500
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Historical Commission, Alabama-John
T. Morgan House, Selma.....8,180

Historical Commission, Alabama-
Cahaba.....150,000

The administrative fee charged by the
Alabama Historical Commission to
the Cahaba Account shall not
exceed 3% of the above amount.

Historical Commission, Alabama-
Gaineswood.....52,998

Historical Commission, Alabama-State
Capitol.....769,636

Historical Commission, Alabama-
Joe Wheeler House-Capital
Outlay.....35,000

Ft. Payne, Bridgeport and Stevenson
Historical Depots/Museums. .50,000

Mainstreet Program.....85,000

(2) Soldiers Fund..... 274,395

As provided in Section 40-8-3, Code of
Alabama 1975.

(3) Alabama State Historical
Preservation Fund-Departmental
Receipts..... 1,100,989

(4) Federal and Local Funds..... 700,000

Total Alabama Historical Commission. . 2,197,072 2,075,384 4,272,456

81. HOME BUILDERS LICENSURE
BOARD:

(a) Professional and Occupational
Licensing and Regulation
Program..... 1,280,000

SOURCE OF FUNDS:

(1) Home Builders Licensure Board Fund.....	880,000
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In accordance with Sections 34-14A-1 through 34-14A-17, Code of Alabama 1975.

(2) Home Builders Licensure Board Recovery Fund.....	400,000
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Total Home Builders Licensure Board.....	1,280,000	1,280,000
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82. HUMAN RESOURCES, DEPARTMENT OF:

(a) Human Services Program.....	457,883,114
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Of the above appropriation, \$6,000,000 shall be used only for implementation of R.C. v. Corley. It is the intent of the Legislature that the Department provide adequate funding for therapeutic foster care and residential care facilities. It is the intent of the Legislature that allotments be made to the County Departments of Human Resources in the amount of \$165,500 to fund, upon approval of the county department director, supplemental client services not otherwise provided for through existing programs of the Department of Human Resources. Allotments to the county departments based on the counties' populations according to the 1990 census are as follows: county populations greater than 50,000, \$3,500; county populations less than 50,000, \$2,000.

SOURCE OF FUNDS:

(1) State General Fund-Transfer.....	36,475,498
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(2) Federal and Local Funds.....	313,494,785
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(3) ABC Profits.....	500,000
(4) Whiskey Tax.....	21,258,500
(5) Beer Tax.....	9,200,000
(6) Pension Residue.....	18,500,000
(7) Sales Tax.....	1,322,000
(8) Franchise Tax.....	19,650,000
(9) Child Support Collections.....	6,118,737
(10) Sales Tax for Food Stamps, Estimated.....	23,495,594

In accordance with Section 40-23-35,
Code of Alabama 1975.

(11) Cigarette Tax.....	3,900,000
(12) Contractor's Gross Receipts Tax. .	2,500,000
(13) Foster Care Trust Fund.....	400,000
(14) Child Support Interest and Fees. . .	480,000
(15) Miscellaneous Receipts.....	588,000

Total Department of Human Resources.....	36,475,498	421,407,616	457,883,114
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83. INDIAN AFFAIRS COMMISSION,
ALABAMA:

(a) Social Services Program.....	254,000
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The above appropriation is to be
expended in accordance with
Sections 41-9-708 et seq., Code of
Alabama 1975.

SOURCE OF FUNDS:

(1) State General Fund.....	200,000		
(2) Federal and Local Funds.....		54,000	
Total Alabama Indian Affairs Commission.....	200,000	54,000	254,000

84. INDUSTRIAL DEVELOPMENT
AUTHORITY, STATE:

(a) Industrial Development Program..... 400,000

SOURCE OF FUNDS:

(1) SIDA Application Fees Fund..... 200,000

(2) SIDA Incentive Program Fund..... 200,000

Total State Industrial Development Authority.....	400,000	400,000
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85. INDUSTRIAL RELATIONS,
DEPARTMENT OF:

(a) Employment Security Program..... 50,981,745

(b) Industrial Safety and Accident Prevention Program..... 5,053,812

(c) Administrative Services Program... 13,827,971

(d) Workers' Compensation Program... 4,793,323

SOURCE OF FUNDS:

(1) State General Fund..... 724,712

(2) Federal and Local Funds..... 73,932,139

Total Department of Industrial Relations.....	724,712	73,932,139	74,656,851
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86. INSURANCE, DEPARTMENT OF:

(a) Regulatory Services Program..... 5,039,861

Of the above appropriation, at least
\$50,000 shall be expended for
public rate hearings.

SOURCE OF FUNDS:

(1) State General Fund..... 1,846,661

(2) Fire Marshal's Fund..... 209,697

As provided in Sections 34-33-11,
8-17-211, and 8-17-255, Code of
Alabama 1975.

(3) Examination Revolving Fund.....	2,983,503		
Total Department of Insurance.....	1,846,661	3,193,200	5,039,861

87. INSURANCE BOARD, STATE
EMPLOYEES':

(a) Administrative Support Services Program.....			1,116,600
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SOURCE OF FUNDS:

(1) State Employees' Insurance Board Expense Fund.....	1,116,600		
Total State Employees' Insurance Board.....	1,116,600	1,116,600	

88. INTERIOR DESIGNERS,
ALABAMA STATE BOARD OF
REGISTRATION FOR:

(a) Professional and Occupational Licensing and Regulation Program.....			17,800
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SOURCE OF FUNDS:

(1) Interior Designer Fund.....	17,800		
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As provided in Section 34-15A-7,
Code of Alabama 1975.

Total Alabama State Board of Regis- tration for Interior Designers.....	17,800	17,800	
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89. LABOR, DEPARTMENT OF:

(a) Regulatory Services Program.....			362,466
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SOURCE OF FUNDS:

(1) State General Fund.....	268,081		
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(2) Federal and Local Funds.....		94,385	
Total Department of Labor.....	268,081	94,385	362,466

90. LANDSCAPE ARCHITECTS,
BOARD OF EXAMINERS OF:

(a) Professional and Occupational Licensing and Regulation Program.....			44,224
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SOURCE OF FUNDS:

(1) Landscape Architect's Fund.....		44,224	
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As provided in Section 34-17-6, Code
of Alabama 1975.

Total Board of Examiners of Landscape Architects.....		44,224	44,224
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91. LIEUTENANT GOVERNOR,
OFFICE OF THE:

(a) Legislative Operations and Support Program.....			631,131
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SOURCE OF FUNDS:

(1) State General Fund.....	631,131		
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Total Office of the Lieutenant Governor.....	631,131		631,131
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92. LIQUEFIED PETROLEUM GAS
BOARD:

(a) Regulatory Services Program.....			581,329
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SOURCE OF FUNDS:

(1) Liquefied Petroleum Gas Board Fund.....		506,329	
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(2) Liquefied Petroleum Gas Research and Education Fund.....		75,000	
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Total Liquefied Petroleum Gas Board. .		581,329	581,329
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93. LIVESTOCK MARKET BOARD,
ALABAMA PUBLIC:

(a) Agricultural Development Service Program.....	1,500
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SOURCE OF FUNDS:

(1) Alabama Public Livestock Market Fund.....	1,500
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In accordance with Sections 2-15-115
through 2-15-127, Code of
Alabama 1975.

Total Alabama Public Livestock Market Board.....	1,500	1,500
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94. MANUFACTURED HOUSING
COMMISSION, ALABAMA:

(a) Regulatory Services Program.....	1,732,346
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SOURCE OF FUNDS:

(1) Alabama Manufactured Housing Commission Fund.....	1,692,346
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As provided in Section 24-6-4,
Code of Alabama 1975.

(2) Transfer from Manufactured Homes Title Fee Receipts Levied in Section 32-8-6, Code of Alabama 1975.....	40,000
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Total Alabama Manufactured Housing Commission.....	1,732,346	1,732,346
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95. MEDICAID AGENCY, ALABAMA:

(a) Medical Assistance Through Medicaid Program.....	1,771,954,083
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The Medicaid Agency will reimburse
the Department of Public Health for
actual costs (in compliance with
OMB Circular A87 and Health Care

Financing Administration guidelines) for services provided. The above appropriation shall include a reimbursement of the maximum amount available for rural hospitals that own and operate diploma-issuing schools of nursing that are accredited by the National League of Nursing and the Alabama Board of Nursing. Any rural hospital receiving such reimbursement shall reimburse 20% of said funds to any qualifying Hill-Burton hospital in the same county that provides support for the schools of nursing in the rural hospital.

SOURCE OF FUNDS:

(1) State General Fund..... 143,593,195

Of the above appropriation of \$143,193,195, \$100,000 is hereby appropriated to the Alabama Child Caring Foundation.

(2) Transfer from Department of Human Resources..... 18,011,250

(3) Transfer from Mental Health..... 51,909,420

(4) Transfer from Commission on Aging..... 3,258,850

(5) Transfer from Department of Public Health..... 10,984,041

(6) Transfer from Department of Youth Services..... 11,000

(7) Transfer from Department of Rehabilitation Services..... 2,113,528

(8) Public Hospitals Transfer..... 267,049,081

(9) Departmental Receipts..... 2,110,500

(10) Federal and Local Funds.....	1,237,891,173	
(11) Alabama Health Care Trust Fund		29,500,000
(12) Unencumbered Balance Brought Forward.....	4,843,670	
(13) Transfer from University of Alabama in Birmingham.....	678,375	
Total Alabama Medicaid Agency.....	143,593,195	1,628,360,888 1,771,954,083

In addition to the above appropriation, there is also appropriated any local funds or transfers from other state departments as may become available to facilitate the receipt of matching federal funds in order to maximize federal participation in existing programs under Medicaid.

96. MEN'S HALL OF FAME, ALABAMA:

(a) Historical Resources Management Program.....	3,505
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SOURCE OF FUNDS:

(1) State General Fund.....	3,505	
Total Alabama Men's Hall of Fame.....	3,505	3,505

97. MENTAL HEALTH AND MENTAL RETARDATION, DEPARTMENT OF:

(a) Mental Illness Program.....	175,578,087
(b) Mental Retardation Program.....	122,454,040
(c) Administrative Services Program....	14,768,325
(d) Substance Abuse Program.....	21,221,961

SOURCE OF FUNDS:

(1) State General Fund-Transfer.....	65,935,154
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(2) Special Mental Health Trust Fund...	108,507,530
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For Operations and Maintenance of the Department of Mental Health and Mental Retardation and the Mental Health and Mental Retardation Community Programs, including the purchase of drugs for medically indigent mental patients not hospitalized at time of receiving drugs at the Alabama state hospitals.

(3) Cigarette Tax.....	3,017,140
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(4) Departmental Receipts.....	2,000,000
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(5) Indigent Offender Alcohol/Drug Treatment Fund.....	150,000
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(6) Federal and Local Funds.....	154,412,589
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Total Department of Mental Health and Mental Retardation.....	65,935,154	268,087,259	334,022,413
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Of the above appropriations for Mental Illness Services and Substance Abuse Services, funds shall be allocated by the DMH/MR to Regional Community Mental Health Boards established under Section 22-51-2, Code of Alabama 1975. First priority for such allocated funds shall be the development of a comprehensive array of services for seriously mentally ill, seriously emotionally disturbed, and addicted populations. Such services shall be provided by or sanctioned by said community boards according to resource allocation procedures as set forth in the Alabama Administrative Code (Section 580-1-1-.19). Such allocations to community boards shall recognize community needs and DMH/MR obligations with respect to the Wyatt Consent Decree, Federal Block Grant allocation rules, and operational funding of facilities constructed with bond issue proceeds.

98. MILITARY DEPARTMENT:

(a) Military Operations Program..... 4,819,518

SOURCE OF FUNDS:

(1) State General Fund-Operations.....	1,591,000	
(2) State General Fund-Quarterly Allowances Headquarters.....	1,300,000	
(3) State General Fund-Active Military Service.....	7,500	
(4) State General Fund-Transfer to Armory Commission.....	1,910,018	
(5) State General Fund-Dropping Allowance.....	1,000	
(6) State General Fund-State Defense Force.....	10,000	
Total Military Department.....	<u>4,819,518</u>	<u>4,819,518</u>

99. MILITARY DEPARTMENT -
ARMORY COMMISSION OF
ALABAMA:

(a) Military Operations Program..... 8,189,206

(b) Capital Outlay Program..... 57,000

SOURCE OF FUNDS:

(1) Transfer from Military Department...	1,910,018
(2) Federal and Local Funds.....	6,161,967
(3) Military Department Billeting Revolving Fund, Estimated.....	97,221
(4) Departmental Receipts.....	77,000

The funds hereinabove appropriated to the Armory Commission shall be payable from the funds in the State Treasury to the credit of the Armory

Commission and the appropriation hereinabove made includes the appropriation made for the care, maintenance and construction of facilities; provided, however, that the last federal government service contract reimbursement shall not revert to the State General Fund.

Total Armory Commission of Alabama.....	8,246,206	8,246,206
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100. MOTOR SPORTS HALL OF FAME:

(a) Historical Resources Management Program.....	131,522
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SOURCE OF FUNDS:

(1) State General Fund.....	131,522
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Total Motor Sports Hall of Fame.....	131,522	131,522
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101. MUSIC HALL OF FAME, ALABAMA:

(a) Fine Arts Program.....	220,559
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SOURCE OF FUNDS:

(1) State General Fund.....	220,559
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Total Alabama Music Hall of Fame.....	220,559	220,559
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102. NURSING, ALABAMA BOARD OF:

(a) Professional and Occupational Licensing and Regulation Program.....	2,352,000
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SOURCE OF FUNDS:

(1) Alabama Board of Nursing Trust Fund.....	2,352,000
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As provided in Sections 34-21-1
through 34-21-43, Code of
Alabama 1975.

Total Alabama Board of Nursing.....	2,352,000	2,352,000
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103. NURSING HOME
ADMINISTRATORS, BOARD OF
EXAMINERS OF:

(a) Professional and Occupational Licensing and Regulation Program.....		86,000
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SOURCE OF FUNDS:

(1) Board of Examiners of Nursing Home Administrators Fund.....	86,000	
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As provided in Section 34-20-7, Code
of Alabama 1975.

Total Board of Examiners of Nursing Home Administrators.....	86,000	86,000
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104. OCCUPATIONAL THERAPY,
ALABAMA STATE BOARD OF:

(a) Professional and Occupational Licensing and Regulation Program.....		50,000
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SOURCE OF FUNDS:

(1) Board of Occupational Therapy Fund.....	50,000	
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As provided in Section 34-39-6, Code
of Alabama 1975.

Total Alabama State Board of Occupa- tional Therapy.....	50,000	50,000
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105. OLYMPIC COORDINATION
BOARD:

(a) Tourism and Travel Promotion Program.....		750,000
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SOURCE OF FUNDS:

(1) State General Fund.....	750,000	
Total Olympic Coordination Board.....	750,000	750,000

106. OIL AND GAS BOARD:

(a) Management and Regulation of Oil and Gas Exploration and Develop- ment Program.....		2,517,457
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SOURCE OF FUNDS:

(1) State General Fund.....	1,902,985		
(2) Oil and Gas Board Special Fund.....		594,472	
(3) Surety Bond Deposits, Estimated....		20,000	
In accordance with Section 9-17-6, Code of Alabama 1975.			
Total Oil and Gas Board.....	1,902,985	614,472	2,517,457

107. PARDONS AND PAROLES,
BOARD OF:

(a) Administration of Pardons and Paroles Program.....		16,045,588
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SOURCE OF FUNDS:

(1) State General Fund.....	12,322,992		
(2) Probationers Upkeep Fund.....		3,595,796	
In accordance with Section 15-22-2, Code of Alabama 1975.			
(3) Local Funds.....		126,800	
Total Board of Pardons and Paroles....	12,322,992	3,722,596	16,045,588

108. PEACE OFFICERS' ANNUITY
AND BENEFIT FUND, ALABAMA:

(a) Retirement Systems Program.....		447,360
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SOURCE OF FUNDS:

(1) Peace Officers' Annuity and Benefit Fund.....	447,360	
As provided in Section 36-21-66, Code of Alabama 1975.		
Total Alabama Peace Officers' Annuity and Benefit Fund.....	447,360	447,360

109. PERSONNEL DEPARTMENT,
STATE:

(a) Administrative Support Services Program.....	5,184,266
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SOURCE OF FUNDS:

Transfers to the State Personnel Department shall be as follows:

(1) Board of Public Accountancy.....	403
(2) Department of Aeronautics.....	460
(3) Commission on Aging.....	2,415
(4) Department of Agriculture and Industries.....	41,456
(5) Agricultural and Conservation Development Commission.....	58
(6) Agricultural Center Board.....	2,243
(7) Alcoholic Beverage Control Board. .	95,393
(8) Board of Registration for Architects.....	173
(9) Archives and History.....	5,808
(10) State Council on the Arts.....	2,128
(11) Attorney General's Office.....	15,870
(12) Board of Auctioneers.....	58

(13) State Auditor.....	1,323
(14) State Banking Department.....	5,463
(15) Building Commission.....	1,898
(16) Alabama Building Renovation Finance Authority.....	13,570
(17) Child Abuse and Neglect Prevention Board.....	460
(18) Chiropractic Examiners.....	115
(19) Choctawhatchee-Pea Rivers Watershed.....	58
(20) Department of Conservation and Natural Resources.....	185,208
(21) State Licensing Board for General Contractors.....	748
(22) Department of Corrections.....	395,600
(23) Board of Cosmetology.....	1,438
(24) Credit Union Administration.....	863
(25) Alabama Crime Victims Compen- sation Commission.....	2,013
(26) Criminal Justice Information Center.....	6,613
(27) Alabama Development Office.....	4,715
(28) State Docks.....	39,790
(29) Department of Economic and Community Affairs.....	37,663
(30) Department of Education.....	171,408
(31) Education Employees' Health Insurance Board, Public.....	1,323
(32) Electrical Contractors Board.....	58

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(33) Emergency Management Agency		6,210
(34) Employees' Insurance Board.....	1,725	
(35) Board of Registration for Professional Engineers and Land Surveyors.....	690	
(36) Department of Environmental Management.....	53,533	
(37) Ethics Commission.....	748	
(38) Examiners of Public Accounts.....	25,990	
(39) Farmers' Market Authority.....	173	
(40) Finance Department.....	58,420	
(41) Foreign Trade Relations Commission.....	115	
(42) Department of Forensic Sciences.....	15,583	
(43) Forestry Commission.....	53,245	
(44) Funeral Services Board.....	115	
(45) Geological Survey.....	7,245	
(46) Governor's Office.....	5,060	
(47) Department of Public Health.....	576,208	
(48) State Health Planning Agency.....	1,610	
(49) Board of Heating and Air Condi- tioning Contractors.....	518	
(50) Alabama Historical Commission....	9,890	
(51) Home Builders Licensure Board....	748	
(52) Department of Human Re- sources.....	525,205	
(53) Alabama Indian Affairs Commission.....	230	

(54) Department of Industrial Relations.....	207,518
(55) Insurance Department.....	8,568
(56) International Airport Authority.....	56
(57) Judicial Inquiry Commission.....	173
(58) Department of Labor.....	805
(59) Legislative Reference Service.....	115
(60) Liquefied Petroleum Gas Board....	978
(61) Manufactured Housing Commission.....	1,840
(62) Alabama Medicaid Agency.....	62,445
(63) Department of Mental Health and Mental Retardation.....	554,415
(64) Military Department.....	27,255
(65) Board of Nursing.....	3,508
(66) Board of Examiners of Nursing Home Administrators.....	58
(67) Board of Occupational Therapy....	58
(68) Oil and Gas Board.....	5,578
(69) Pardons and Paroles.....	42,895
(70) Peace Officers' Annuity and Benefit Fund.....	403
(71) Peace Officers' Standards and Training Commission.....	460
(72) Physical Fitness Commission.....	575
(73) Board of Physical Therapy.....	173
(74) Plumbers and Gas Fitters Examiners Board.....	2,013

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(75) Public Library Service.....	5,923
(76) Department of Public Safety.....	142,715
(77) Public Service Commission.....	15,295
(78) Alabama Educational Television Commission.....	8,280
(79) Real Estate Appraisers Board.....	633
(80) Real Estate Commission.....	2,415
(81) Retirement Systems.....	19,205
(82) Department of Revenue.....	159,160
(83) Secretary of State.....	4,313
(84) Securities Commission.....	2,473
(85) Board of Social Work Examiners...	288
(86) Soil and Water Conservation Committee.....	403
(87) Surface Mining Commission.....	3,853
(88) Bureau of Tourism and Travel.....	8,510
(89) Department of Transportation.....	533,485
(90) State Treasurer.....	5,463
(91) Department of Veterans' Affairs....	7,360
(92) Board of Veterinary Medical Examiners.....	173
(93) Voter Registration.....	173
(94) Department of Youth Services.....	59,053
(95) Miscellaneous Receipts.....	5,186
(96) Human Resources-Contract Team.....	87,877

(97) Public Health-Contract Team.....	334,722	
(98) Transportation-Contract Team.....	339,483	
(99) Rehabilitation-Contract Team.....	137,883	

The appropriations in (96), (97), (98), and (99) are for an amount as agreed by State Personnel Department and said departments for model work teams.

Total State Personnel Department.....	5,184,266	5,184,266
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110. PHYSICAL THERAPY, BOARD OF:

(a) Professional and Occupational Licensing and Regulation Program.....	206,315	
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SOURCE OF FUNDS:

(1) Physical Therapist Fund.....	206,315	
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As provided in Section 34-24-195, Code of Alabama 1975.

Total Board of Physical Therapy.....	206,315	206,315
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111. PLUMBERS AND GAS FITTERS EXAMINING BOARD, ALABAMA:

(a) Professional and Occupational Licensing and Regulation Program.....	1,300,000	
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SOURCE OF FUNDS:

(1) Board of Plumbers and Gas Fitters Examiners Fund.....	1,300,000	
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As provided in Section 34-37-5, Code of Alabama 1975.

Total Alabama Plumbers and Gas Fitters Examining Board.....	1,300,000	1,300,000
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112. POLYGRAPH EXAMINERS,
BOARD OF:

(a) Professional and Occupational Licensing and Regulation Program.....	15,000
---	--------

SOURCE OF FUNDS:

(1) Board of Polygraph Examiners Fund.....	15,000	
As provided in Section 34-25-5, Code of Alabama 1975.		
Total Board of Polygraph Examiners....	15,000	15,000

113. PROSECUTION SERVICES,
OFFICE OF:

(a) Prosecution, Training, Education and Management Program.....	957,606
---	---------

SOURCE OF FUNDS:

(1) State General Fund.....	200,006	
(2) Office of Prosecution Services Fund.....	757,600	
Total Office of Prosecution Services....	200,006	757,600
		957,606

114. PSYCHOLOGY, ALABAMA
BOARD OF EXAMINERS IN:

(a) Professional and Occupational Licensing and Regulation Program.....	135,371
---	---------

SOURCE OF FUNDS:

(1) Board of Examiners in Psychology Fund.....	135,371	
As provided in Section 34-26-43, Code of Alabama 1975.		
Total Alabama Board of Examiners in Psychology.....	135,371	135,371

115. PUBLIC SAFETY, DEPARTMENT OF:

(a) Police Services Program.....	18,276,767
(b) Public Safety Support Services Program.....	11,209,033
(c) Administrative Services Program....	19,435,511

SOURCE OF FUNDS:

(1) State General Fund.....	34,272,860
(2) Transfer from Public Road and Bridge Fund-Act 91-797.....	3,500,000
(3) Federal and Local Funds.....	3,966,939
(4) Automated Fingerprint Identification System Fund.....	1,848,732

In accordance with Sections 12-19-180 and 32-2-61, Code of Alabama 1975.

(5) Public Safety Law Enforcement Fund.....	4,490,780
---	-----------

In accordance with Section 32-6-5, Code of Alabama 1975.

(6) Drug Offenders Reinstatement.....	75,000
(7) Commercial Driver's License Fee...	767,000

In accordance with Section 32-5-313, Code of Alabama 1975.

Total Department of Public Safety.....	34,272,860	14,648,451	48,921,311
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116. PUBLIC SERVICE COMMISSION:

(a) Regulatory Services Program.....	5,358,359
(b) Administrative Services Program....	5,719,572

The above appropriation includes a transfer to the State General Fund of \$2,000,000 in four equal amounts at the end of each quarter of the fiscal year.

SOURCE OF FUNDS:

(1) Public Service Commission Fund....	10,265,936
--	------------

The above appropriation to the Alabama Public Service Commission shall be payable only from inspection and supervision fees paid by utilities, radio companies and transportation companies and such parts or percentages of fees and taxes paid by motor carrier or motor transportation companies as are now or may be set aside by law to be used by the Commission. Any surplus remaining in the Alabama Public Service Commission Fund at the end of the fiscal year in excess of \$600,000 shall be transferred to the State General Fund.

(2) Gas Pipeline Safety Fund.....	516,995
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(3) Departmental Receipts.....	20,000
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(4) Federal and Local Funds.....	275,000
----------------------------------	---------

Total Public Service Commission.....	11,077,931	11,077,931
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In addition to the above appropriation to the Public Service Commission, there is hereby also appropriated revenues received from audit settlements and motor carrier fees in excess of known budgeted amounts in PSC Fund 326.

117. REAL ESTATE APPRAISERS
BOARD, ALABAMA:

(a) Professional and Occupational Licensing and Regulation Program.....	586,279
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SOURCE OF FUNDS:

(1) Real Estate Appraisers Board Fund.....	586,279
---	---------

In accordance with Sections 34-27A-1
through 34-27A-29, Code of
Alabama 1975.

Total Alabama Real Estate Appraisers Board.....	586,279	586,279
--	---------	---------

118. REAL ESTATE COMMISSION,
ALABAMA:

(a) Professional and Occupational Licensing and Regulation Program.....	2,710,649
---	-----------

SOURCE OF FUNDS:

(1) Alabama Real Estate Commission Fund.....	2,710,649
---	-----------

As provided in Section 34-27-4, Code
of Alabama 1975, and the total
expenditures shall in no manner
exceed the amounts hereby
appropriated.

Total Alabama Real Estate Commission.....	2,710,649	2,710,649
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119. REHABILITATION SERVICES,
DEPARTMENT OF:

(a) Rehabilitation Services Program.....	1,911,575
--	-----------

SOURCE OF FUNDS:

(1) State General Fund-Homebound....	1,870,341
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(2) State General Fund-Eye Injury Register.....	41,234
--	--------

Total Department of Rehabilitation Services.....	1,911,575	1,911,575
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120. REVENUE, DEPARTMENT OF:

(a) State Revenue Administration Program.....	80,275,926
---	------------

SOURCE OF FUNDS:

(1) State General Fund-Transfer.....	191,301
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As provided in Section 40-7-70, Code of Alabama 1975, to maintain a program for the equalization of ad valorem tax assessments.

(2) State General Fund-Board of Equalization.....	76,542
---	--------

(3) Transfer from the gross proceeds of Cigarette Tax Collections.....	1,295,144
--	-----------

As provided in Section 40-25-27, Code of Alabama 1975.

(4) Transfer from the gross proceeds of Financial Institution Excise Tax Collections.....	387,523
---	---------

(5) Transfer from the proceeds of the Forest Severance Tax Collections...	142,668
---	---------

(6) Transfer from the gross proceeds of Gasoline Tax Collections.....	6,884,460
---	-----------

(7) Transfer from the Income Tax Collections.....	23,232,079
---	------------

(8) Transfer from the gross proceeds of Motor Fuel Tax Collections.....	1,414,036
---	-----------

(9) Transfer from the gross proceeds of Motor Vehicle License Collections.....	2,983,674
--	-----------

(10) Transfer from the Pension Fund as part of the cost of collections of the 1-Mill Ad Valorem Tax.....	1,418,843
--	-----------

(11) Transfer from the Public School Fund as part of the cost of collections of the 3-Mill Ad Valorem Tax.....	2,311,268
(12) Transfer from the gross proceeds of Sales Tax Collections.....	20,312,672
(13) Transfer from the gross proceeds of the Tobacco Tax Collections.....	61,170
(14) Transfer from the gross proceeds of Use Tax Collections.....	2,222,931
(15) Transfer from the gross proceeds of the Utility Tax Collections.....	4,935,503
(16) Transfer from the gross proceeds of Motor Vehicle License Collections for the purchase only of Motor Vehicle License Tags.....	2,365,083
(17) Inspection fees for restored vehicles.....	1,250,000
As provided in Section 32-8-87, Code of Alabama 1975.	
(18) Transfer from Abandoned Property Trust Fund.....	100,000
As provided in Section 35-12-39, Code of Alabama 1975.	
(19) Transfer from the gross proceeds of the Pharmaceutical Services Privilege Tax Collections.....	36,530
(20) Transfer from the gross proceeds of Nursing Facility Privilege Tax Collections.....	254,499
(21) Local Funds.....	8,400,000

The amounts hereinabove appropriated for the cost of maintenance and operations of the Department of Revenue are in lieu

of any other statutory provisions for the payment of the cost of operating said Department or collections of the taxes as authorized by law. Provided, however, in addition to the amount hereinabove appropriated, there is hereby appropriated to the Department of Revenue all sums allowed the Department of Revenue by local Acts of the Legislature as a charge for the collection of taxes or licenses.

Total Department of Revenue.....	<u>267,843</u>	<u>80,008,083</u>	<u>80,275,926</u>
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121. SECRETARY OF STATE:

(a) Administrative Support Services Program.....			1,715,547
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SOURCE OF FUNDS:

(1) State General Fund.....	702,553		
(2) UCC and Farm Indexing Fund.....		350,010	
(3) Corporations Fund.....		<u>662,984</u>	
Total Secretary of State.....	<u>702,553</u>	<u>1,012,994</u>	<u>1,715,547</u>

122. SECURITIES COMMISSION:

(a) Regulatory Services Program.....			4,300,488
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The above appropriation includes a transfer to the State General Fund of \$1,500,000 to be made in four equal amounts at the beginning of each quarter of the fiscal year.

SOURCE OF FUNDS:

(1) Securities Commission Fund.....		2,725,488	
(2) Securities Commission Fund-Transfer to State General Fund.....		1,500,000	
(3) Industrial Revenue Bond Notification Fund.....		<u>75,000</u>	
Total Securities Commission.....		<u>4,300,488</u>	<u>4,300,488</u>

123. SENIOR CITIZENS HALL OF
FAME, ALABAMA:

(a) Historical Resources Management Program.....	15,899
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To be expended in accordance with
Sections 41-9-740 et seq., Code of
Alabama 1975.

SOURCE OF FUNDS:

(1) State General Fund.....	15,899	
<hr/>		
Total Alabama Senior Citizens Hall of Fame.....	15,899	15,899
<hr/>		

124. SOCIAL WORK EXAMINERS,
ALABAMA STATE BOARD OF:

(a) Professional and Occupational Licensing and Regulation Program.....	133,446
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SOURCE OF FUNDS:

(1) Alabama State Board of Social Work Examiners Fund.....	133,446	
<hr/>		
As provided in Section 34-30-6, Code of Alabama 1975.		
<hr/>		
Total Alabama State Board of Social Work Examiners.....	133,446	133,446
<hr/>		

125. SOIL AND WATER CONSERVA-
TION COMMITTEE, STATE:

(a) Water Resource Development Program.....	1,462,421
--	-----------

Of the above appropriation to the
Water Resource Development
Program, \$46,500 shall be
allocated to the Sand Mountain-
Lake Guntersville Watershed
Conservancy District.

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(b) Professional and Occupational Licensing and Regulation Program.....	5,000
---	-------

SOURCE OF FUNDS:

(1) State General Fund.....	1,276,421	
(2) Soil Classifiers Fund.....		5,000

As provided in Section 34-32-19, Code
of Alabama 1975.

(3) Departmental Receipts.....	186,000	
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Total State Soil and Water Conserva- tion Committee.....	1,276,421	191,000	1,467,421
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126. SOUTHERN GROWTH
POLICIES BOARD:

(a) Special Services Program.....	20,289
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SOURCE OF FUNDS:

(1) State General Fund.....	20,289	
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Total Southern Growth Policies Board.....	20,289	20,289
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127. SPEECH PATHOLOGY AND
AUDIOLOGY, ALABAMA BOARD
OF EXAMINERS FOR:

(a) Professional and Occupational Licensing and Regulation Program.....	70,969
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SOURCE OF FUNDS:

(1) Alabama Board of Examiners for Speech Pathology and Audiology Fund.....	70,969
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As provided in Section 34-28A-44,
Code of Alabama 1975.

Total Alabama Board of Examiners for Speech Pathology and Audiology....	70,969	70,969
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128. SPORTS HALL OF FAME,
ALABAMA:

(a) Historical Resources Management Program.....	139,905
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SOURCE OF FUNDS:

(1) State General Fund.....	139,905	
Total Alabama Sports Hall of Fame.....	139,905	139,905

129. SURFACE MINING COM-
MISSION, ALABAMA:

(a) Industrial Safety and Accident Prevention Program.....	5,121,163
---	-----------

SOURCE OF FUNDS:

(1) State General Fund-Transfer.....	276,803		
(2) Surface Mining Commission-Fees. .		984,680	
(3) Federal and Local Funds.....		1,359,680	
(4) Bond Forfeiture/Reclamation Projects, Estimated.....		2,500,000	
As provided in Section 9-16-103, Code of Alabama 1975.			
Total Alabama Surface Mining Commission.....	276,803	4,844,360	5,121,163

130. TANNEHILL FURNACE AND
FOUNDRY COMMISSION:

(a) Historical Resources Management Program.....	386,057
---	---------

SOURCE OF FUNDS:

(1) State General Fund.....	386,057	
Total Tannehill Furnace and Foundry Commission.....	386,057	386,057

131. TENNESSEE-TOMBIGBEE
WATERWAY DEVELOPMENT
AUTHORITY:

(a) Water Resource Development Program.....	83,300
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SOURCE OF FUNDS:

(1) State General Fund.....	83,300	
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Total Tennessee-Tombigbee Water- way Development Authority.....	83,300	83,300
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132. TENNESSEE VALLEY EXHIBIT
COMMISSION OF ALABAMA:

(a) Promotional Development Program.....	333,243
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To be expended in accordance with
Sections 41-9-780 et seq., Code of
Alabama 1975.

SOURCE OF FUNDS:

(1) State General Fund.....	114,979	
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(2) Admissions and Concessions.....	218,264	
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Total Tennessee Valley Exhibit Commission of Alabama.....	114,979	218,264	333,243
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133. TOURISM AND TRAVEL, BU-
REAU OF:

(a) Tourism and Travel Promotion Program.....	7,053,720
--	-----------

Of the above appropriation, \$20,000
shall be allocated to the Emerald
Triangle Commission; \$36,000 shall
be transferred to the Cahaba Trace
Commission.

SOURCE OF FUNDS:

(1) State General Fund.....	749,042
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(2) Lodgings Tax (\$0.01).....	6,304,678
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Receipts collected under the provisions of Sections 40-26-1, et seq., Code of Alabama 1975.

Total Bureau of Tourism and Travel.....	749,042	6,304,678	7,053,720
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134. TRANSPORTATION, DEPARTMENT OF:

(a) Central Administration Program.....	24,769,606
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(b) Division and District Supervision Program.....	32,012,550
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(c) Operations and Support Services Program.....	12,260,152
--	------------

(d) Maintenance Program.....	193,923,562
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(e) Non-Programmatic Programs.....	25,744,330
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Proposed spending plan for the above (e) includes the following:

Debt Service.....	19,709,855
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Equipment - Other than Automotive.....	5,914,475
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Road Machinery and Equipment Purchases.....	120,000
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(f) Construction-Federal Aid Program...	509,190,226
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Proposed spending plan for the above (f) includes the following:

Federal Aid Matching.....	124,121,110
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Non-Participating Work on Federal Projects.....	1,000,000
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Federal Aid.....	384,069,116
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(g) Construction-State Program.....	25,500,000
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(h) Operations-Land and Buildings Program.....	1,610,907
(i) Captive County Health Insurance Program.....	168,480
(j) Transfer to Department of Public Safety, in accordance with Act 91-797.....	3,500,000

SOURCE OF FUNDS:

(1) State General Fund-Transfer.....	245,000	
(2) Public Road and Bridge Fund.....		440,865,697
(3) Public Road and Bridge Fund-Transfer to Department of Public Safety.....		3,500,000
(4) Federal Aid.....		384,069,116

There is hereby appropriated, for payment of the principal of and the interest on all bonds heretofore or hereafter issued for public highways and bridge purposes, or either, by the State of Alabama, Alabama Highway Authority, Alabama Federal Aid Highway Finance Authority, or Alabama Industrial Access Road and Bridge Corporation, a total of \$19,709,855 or so much thereof as may be necessary for payment of said principal and interest at their respective maturities, of the revenues pledged for such payment. The Director of Transportation with the consent of the Governor and the Director of Finance shall have the authority to transfer any appropriation or any portion thereof between and among Subsections (a), (b), (c), (d), (e), (f), (g), (h), (i), of this Section whenever such transfer shall be necessary to assure maximum utilization of

Federal Matching Funds which shall become available. In the event that there shall not be sufficient funds available for payment of all appropriations hereinabove made, the following provisions shall be applicable. In the event of such insufficiency in respect of the said revenues accruing to the Department of Transportation:

- (1) the appropriation made for Debt Service in Subsection (e) hereof shall be paid in full,
- (2) the appropriations from the revenues accruing to the Department of Transportation that are herein made for the purposes referred to in Subsections (a), (b), (c), (d), (e), (f), (g), (h), (i), except for Debt Service, hereof shall be allocated among the purposes referred to in said Subsections in such order and with such priorities as the Director of the Department of Transportation shall from time to time direct. The funds appropriated in Subsection (f) hereof, for the matching Federal Funds, shall not revert at the end of the fiscal year for which such appropriations are made, but shall remain available for the purposes for which such appropriations were made. In addition to all appropriations hereinabove made there is hereby appropriated to the Department of Transportation all Federal Funds accruing thereto to be expended only for the purpose for which such funds are made available.

Total Department of Transportation.....	245,000	828,434,813	828,679,813
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135. TREASURER, STATE:

(a) Fiscal Management Program.....

5,558,715

SOURCE OF FUNDS:

(1) State General Fund.....	2,183,696		
(2) Prepaid Affordable College Tuition Fund.....		3,375,019	
Total State Treasurer.....	2,183,696	3,375,019	5,558,715

136. UNIFORM STATE LAWS,
ALABAMA COMMISSION ON:

(a) Special Services Program, Estimated.....			30,000
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SOURCE OF FUNDS:

(1) State General Fund.....	30,000		
As provided in Section 41-9-374, Code of Alabama 1975.			
Total Alabama Commission on Uniform State Laws.....	30,000		30,000

137. VETERANS' AFFAIRS, DEPART-
MENT OF:

(a) Administration of Veterans' Affairs Program.....			9,943,920
(b) Capital Outlay Program.....			10,000

SOURCE OF FUNDS:

(1) State General Fund.....	2,984,645		
(2) Veterans' Home Trust Fund-Transfer.....		6,969,275	
Total Department of Veterans' Affairs...	2,984,645	6,969,275	9,953,920

138. VETERINARY MEDICAL
EXAMINERS, ALABAMA STATE
BOARD OF:

(a) Professional and Occupational Licensing and Regulation Program.....			250,000
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SOURCE OF FUNDS:

(1) State Board of Veterinary Medical Examiners Fund.....	250,000
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As provided in Section 34-29-70, Code
of Alabama 1975.

Total Alabama State Board of Veterinary Medical Examiners.....	250,000	250,000
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139. VOTER REGISTRATION IDEN-
TIFICATION PROGRAM:

(a) Special Services Program.....	310,955
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SOURCE OF FUNDS:

(1) State General Fund.....	304,955
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(2) Voter Registration Fund.....	6,000
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Total Voter Registration Identification Program.....	304,955	6,000	310,955
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140. WOMEN'S COMMISSION,
ALABAMA:

(a) Employment and Social Opportunities Program.....	10,200
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SOURCE OF FUNDS:

(1) State General Fund.....	10,200
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Total Alabama Women's Com- mission.....	10,200	10,200
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141. WOMEN'S HALL OF FAME,
ALABAMA:

(a) Historical Resources Management Program.....	5,100
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SOURCE OF FUNDS:

(1) State General Fund.....	5,100
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Total Alabama Women's Hall of Fame.....	5,100	5,100
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142. YOUTH SERVICES, DEPARTMENT OF:

(a) Youth Services Program..... 9,873,108

The above appropriation shall be expended in accordance with the provisions of Sections 44-1-1 through 44-1-56, Code of Alabama 1975.

(b) Youth Services-Boot Camp Programs..... 1,500,000

SOURCE OF FUNDS:

(1) State General Fund-Community Subsidy..... 3,229,108

(2) State General Fund-Juvenile Probation Officers Subsidy..... 6,644,000

(3) State General Fund-Boot Camp Program..... 1,500,000

Total Department of Youth Services..... 11,373,108 11,373,108

The above appropriation for Community Subsidy shall include at least \$103,425 for those nonsecure programs funded in fiscal year 1994-95.

2D. OTHER FUNCTIONS OF GOVERNMENT FUNDED FROM THE STATE GENERAL FUND:

1. ARREST OF ABSCONDING FELONS:

(a) Criminal Investigation Program, Estimated..... 60,450

SOURCE OF FUNDS:

(1) State General Fund..... 60,450

As provided in Section 15-9-1 and 15-9-3, Code of Alabama 1975.

Total Arrest of Absconding Felons.....	60,450	60,450
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2. AUTOMATIC APPEAL EXPENSE:

(a) Legal Advice and Legal Services Program, Estimated.....	82
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SOURCE OF FUNDS:

(1) State General Fund.....	82
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As provided in Section 12-22-150 and
12-22-241, Code of Alabama 1975.

Total Automatic Appeal Expense.....	82	82
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**3. BUSKEY MATCHING FUNDS -
PENNY TRUST FUND:**

(a) Special Services Program, Estimated.....	100,000
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SOURCE OF FUNDS:

(1) State General Fund-Transfer.....	100,000
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In accordance with Sections
41-15A-10 through 41-15A-12,
Code of Alabama 1975.

Total Buskey Matching Funds - Penny Trust Fund.....	100,000	100,000
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**4. COURT ASSESSED COSTS NOT
PROVIDED FOR:**

(a) Special Services Program, Estimated.....	2,500,000
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As provided in Sections 22-52-14,
30-4-96, 26-17-17, 22-11A-1
through 22-11A-41, 12-15-71 and
12-21-131, Code of Alabama 1975.

(b) Legal Advice and Legal Services Program.....	250,000
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It is the intent of the Legislature that the appropriation in this subsection be expended for Court Costs to include costs of depositions, witness fees and expenses, filing and docket fees, court reporters, court judgments, attorneys fees, out-of-court settlements and other expenses ordered by the court or normally identified as costs of court, when any of the above is approved by the Attorney General.

(c) Automatic Appeal Cases Expense Program.....

40,307

The above appropriation shall be used to reimburse reasonable expenses incurred by attorneys representing defendants under sentence of death in state collateral proceedings, such as those under Rule 32 of the Rules of Criminal Procedure. Provided, in no case may any amount be paid unless the court determines by written order in advance that the cost is both necessary and reasonable; in no single case may the total amount paid for all costs exceed \$5,000; and in no event may any amount be paid out of this appropriation as fees to any attorney for services, or to compensate any attorney for time either as an attorney in the proceeding or as a witness.

SOURCE OF FUNDS:

(1) State General Fund, Estimated..... 2,500,000

(2) State General Fund..... 250,000

(3) State General Fund-Automatic Appeal Cases..... 40,307

Total Court Assessed Costs Not Provided For..... 2,790,307 2,790,307

5. COURT COSTS-ACT NO. 558,
1957:

(a) Court Operations Program, Estimated.....	200
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SOURCE OF FUNDS:

(1) State General Fund.....	200
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Pursuant to Act No. 558, 1957, Page
777.

Total Court Costs-Act No. 558, 1957....	200	200
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6. DISTRIBUTION OF PUBLIC
DOCUMENTS:

(a) Administrative Support Services Program, Estimated.....	300,000
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SOURCE OF FUNDS:

(1) State General Fund.....	300,000
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As provided in Sections 36-14-1,
36-14-11, 17-22A-11 and 41-21-8,
Code of Alabama 1975.

Total Distribution of Public Docu- ments.....	300,000	300,000
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7. STATE DOCKS TRANSFER:.....	3,500,000
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SOURCE OF FUNDS:

(1) State General Fund.....	3,500,000
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The above appropriation to the State
Docks shall be conditional upon the
availability of funds and shall
remain in the State General Fund
until a demonstrated need is
determined and recommended by
the Director of Finance and
approved by the Governor.

Total State Docks Transfer.....	3,500,000	3,500,000
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8. ELECTION EXPENSES:

(a) Special Services Program, Estimated.....	3,000,000
(b) Training of Election Officials.....	72,694

For payment of expenses pursuant to
the court order entered by the U.S.
District Court, Middle District of
Alabama in Civil Action No.
84-T-595-N.

SOURCE OF FUNDS:

(1) State General Fund.....	3,000,000
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As provided in Section 17-21-6, Code
of Alabama 1975.

(2) State General Fund.....	<u>72,694</u>	
Total Election Expenses.....	<u>3,072,694</u>	<u>3,072,694</u>

9. EMERGENCY FUND,
DEPARTMENTAL:

(a) Special Services Program.....	3,500,000
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SOURCE OF FUNDS:

(1) State General Fund.....	3,500,000
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This is the appropriation contemplated
in Section 41-4-94, Code of
Alabama 1975, and shall be the
only amount appropriated and the
total amount expended under the
provisions of said section. This
appropriation shall be expended
solely for the purpose of addressing
a financial emergency within a state
department, board, commission,
bureau, office or agency. None of
the above appropriation shall be
transferred to the Governor's
Contingency Fund. At least 10
days prior to the release of any of

this appropriation to any state department, board, commission, bureau, office or agency, the Director of Finance shall notify the Chairman of the Senate Finance and Taxation-General Fund Committee and the Chairman of the House Committee on Ways and Means of such pending transfer.

Total Departmental Emergency Fund...	3,500,000	3,500,000
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10. FAIR TRIAL TAX TRANSFER:

(a) Court Operations Program, Estimated.....	5,936,081
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SOURCE OF FUNDS:

(1) State General Fund-Transfer.....	5,936,081
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Total Fair Trial Tax Transfer.....	5,936,081	5,936,081
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11. FEEDING OF PRISONERS:

(a) Institutional Services-Corrections Program, Estimated.....	5,000,000
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SOURCE OF FUNDS:

(1) State General Fund.....	5,000,000
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For expenses of feeding prisoners in county jails in accordance with Section 14-6-42, Code of Alabama 1975.

Total Feeding of Prisoners.....	5,000,000	5,000,000
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12. FINANCE-CMIA:

(a) Fiscal Management Program, Estimated.....	500,000
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SOURCE OF FUNDS:

(1) State General Fund.....	500,000
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To implement the provisions of the Cash Management Improvement Act of 1990, Public Law 101-453 and the governing Federal regulations in 31 CFR Part 205. Any payments owed by the Department of Transportation to the federal government shall not be paid from this appropriation.

Total Finance-CMIA.....	500,000	500,000
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13. FINANCE, DEPARTMENT OF -
EMPLOYEES' SUGGESTION
AWARDS PROGRAM:

(a) Fiscal Management Program.....		8,000
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SOURCE OF FUNDS:

(1) State General Fund.....	8,000	
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In accordance with Section 36-1-7,
Code of Alabama 1975.

Total Department of Finance - Employees' Suggestion Awards Program.....	8,000	8,000
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14. FINANCE-FEMA, DEPARTMENT
OF:

(a) Readiness and Recovery Program, Estimated.....		1,000,000
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SOURCE OF FUNDS:

(1) State General Fund.....	1,000,000	
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Total Department of Finance-FEMA.....	1,000,000	1,000,000
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The above appropriation to the Department of Finance-FEMA from the State General Fund is conditioned upon the declaration of a natural disaster area by the President of the United States and conditioned further upon the requirement by the

Federal Management Agency or the U.S. Soil and Conservation Service for the State of Alabama to pay a state match for FEMA or SCS grants.

15. FOREST FIRE FUND, EMERGENCY:

(a) Forest Resources Protection and Development Program.....	180,000
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SOURCE OF FUNDS:

(1) State General Fund-Transfer.....	180,000
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The appropriation to the Emergency Forest Fire Fund shall be conditional as provided by Section 9-3-10.1, Code of Alabama 1975 and shall remain in the State General Fund until a demonstrated need is determined and recommended by the Director of Finance and approved by the Governor.

Total Emergency Forest Fire Fund.....	<u>180,000</u>	<u>180,000</u>
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16. GOVERNOR'S CONFERENCE, NATIONAL:

(a) Executive Direction Program, Estimated.....	173,602
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SOURCE OF FUNDS:

(1) State General Fund.....	<u>173,602</u>
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Total National Governor's Conference.....	<u>173,602</u>	<u>173,602</u>
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17. GOVERNOR'S PROCLAMATION EXPENSES:

(a) Executive Direction Program, Estimated.....	106,477
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SOURCE OF FUNDS:

(1) State General Fund..... 106,477

As provided in Section 17-14-21, Code
of Alabama 1975.

Total Governor's Proclamation Expenses.....	106,477	106,477
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18. GOVERNOR'S WIDOW
RETIREMENT:

(a) Executive Direction Program,
Estimated..... 14,400

SOURCE OF FUNDS:

(1) State General Fund..... 14,400

As provided in Section 36-13-12, Code
of Alabama 1975.

Total Governor's Widow Retirement.....	14,400	14,400
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19. LAW ENFORCEMENT FUND:

(a) Criminal Investigation Program,
Estimated..... 37,200

SOURCE OF FUNDS:

(1) State General Fund..... 37,200

As provided in Sections 28-4-311 and
28-4-312, Code of Alabama 1975.

Total Law Enforcement Fund.....	37,200	37,200
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20. LAW ENFORCEMENT LEGAL
DEFENSE:

(a) Legal Advice and Legal Services
Program, Estimated..... 2,000

SOURCE OF FUNDS:

(1) State General Fund.....	2,000	
To carry out provisions of Section 36-21-1, Code of Alabama 1975.		
Total Law Enforcement Legal Defense.....	2,000	2,000

21. MILITARY - EMERGENCY ACTIVE DUTY PAY:

(a) Military Operations Program, Estimated.....	175,000
---	---------

SOURCE OF FUNDS:

(1) State General Fund.....	175,000	
As provided in Section 31-2-133, Code of Alabama 1975.		
Total Military - Emergency Active Duty Pay.....	175,000	175,000

22. PRINTING OF CODE SUPPLEMENTS - LEGISLATIVE REFERENCE SERVICE:

(a) Legislative Operations and Support Program, Estimated.....	214,880
--	---------

SOURCE OF FUNDS:

(1) State General Fund.....	214,880	
As provided in Section 29-7-6, Code of Alabama 1975.		
Total Printing of Code Supplements - Legislative Reference Service.....	214,880	214,880

It is the intent of the Legislature that the number of Codes and Supplements printed and distributed shall be limited to the minimum number actually needed, utilized and required by law. Procedures should be adopted to verify the need and utility of required printed sets to insure printing cost savings when possible.

23. PRINTING CODES AND
SUPPLEMENTS - SECRETARY
OF STATE:

(a) Administrative Support Services
Program, Estimated..... 121,317

SOURCE OF FUNDS:

(1) State General Fund..... 121,317

As provided in Sections 41-21-1
through 41-21-8 and 41-4-154,
C o d e o f A l a b a m a
1975.

Total Printing Codes and Supplements - Secretary of State.....	121,317	121,317
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It is the intent of the Legislature that
the number of Codes and
Supplements printed and
distributed shall be limited to the
minimum number actually needed,
utilized and required by law.
Procedures should be adopted to
verify the need and utility of
required printed sets to insure
printing cost savings when possible.

24. PRINTING OF LEGISLATIVE
ACTS AND JOURNALS:

(a) Administrative Support Services
Program, Estimated..... 443,385

SOURCE OF FUNDS:

(1) State General Fund..... 443,385

As provided in Sections 41-4-130
through 41-4-161, Code of
Alabama 1975.

Total Printing of Legislative Acts and Journals.....	443,385	443,385
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25. REGISTRATION OF VOTERS:

(a) Special Services Program, Estimated.....	2,500,000
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SOURCE OF FUNDS:

(1) State General Fund.....	2,500,000
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In accordance with Sections 17-4-126
and 17-4-153, Code of Alabama
1975.

Total Registration of Voters.....	<u>2,500,000</u>	<u>2,500,000</u>
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26. REMOVAL OF PRISONERS:

(a) Administrative Services and Logistical Support Program, Estimated.....	400,000
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SOURCE OF FUNDS:

(1) State General Fund.....	400,000
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As provided in Sections 15-10-70
through 15-10-73, 15-9-62, 15-9-65
and 15-9-81, Code of Alabama
1975.

Total Removal of Prisoners.....	<u>400,000</u>	<u>400,000</u>
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27. STATE GENERAL FUND, ESTIMATED:	52,000,000
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SOURCE OF FUNDS:

(1) Heritage Trust Income Fund Transfer, Estimated.....	52,000,000
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All income other than income realized
on the sale of Trust Fund assets
and not otherwise appropriated
herein.

Total State General Fund, Estimated...	<u>52,000,000</u>	<u>52,000,000</u>
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2E. DEBT SERVICE FUNDED FROM
THE STATE GENERAL FUND:

1. General Obligation Capital Improvement Bonds, Series B, Estimated....	1,380,000
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SOURCE OF FUNDS:

(1) State General Fund, Estimated.....	<u>1,380,000</u>
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Total General Obligation Capital Improvement Bonds, Series B, Estimated.....	<u>1,380,000</u>	<u>1,380,000</u>
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2. General Obligation Waterway Refunding Bonds, Series 1992, Estimated.....	2,991,485
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SOURCE OF FUNDS:

(1) State General Fund, Estimated.....	<u>2,991,485</u>
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Total General Obligation Waterway Refunding Bonds, Series 1992, Estimated.....	<u>2,991,485</u>	<u>2,991,485</u>
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3. Music Hall of Fame Bonds, Estimated.....	346,650
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SOURCE OF FUNDS:

(1) State General Fund, Estimated.....	346,650
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Pursuant to Constitutional Amendment
No. 489 as provided in Act 88-549,
1988 Regular Session.

Total Music Hall of Fame Bonds, Estimated.....	<u>346,650</u>	<u>346,650</u>
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4. Corrections Institutions Bonds, Estimated.....	1,330,000
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SOURCE OF FUNDS:

(1) State General Fund, Estimated.....	1,330,000
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Pursuant to Constitutional Amendment
No. 374 as provided for in Act No.
134, 1978 Second Special Session. _____

Total Corrections Institutions Bonds, Estimated.....	1,330,000	1,330,000
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5. General Obligation Capital Bonds, 1990 Series, Estimated.....		1,924,360
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SOURCE OF FUNDS:

(1) State General Fund, Estimated.....	1,924,360	
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Pursuant to Constitutional Amendment
No. 510 as provided for in Act
89-799, 1989 Regular Session. _____

Total General Obligation Capital Bonds, 1990 Series, Estimated.....	1,924,360	1,924,360
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6. General Obligation Refunding Bonds, 1992, Series A and B, Estimated.....		56,947,648
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SOURCE OF FUNDS:

(1) State General Fund, Estimated.....	56,947,648	
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Total General Obligation Refunding Bonds, 1992, Series A and B, Estimated.....	56,947,648	56,947,648
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SECTION 3. In addition to the appropriations from the General Fund to the entities in this Act, there is hereby appropriated the following amounts from the General Fund to the following entities to be conditioned upon the availability of funds in the General Fund and the approval of the Governor:

A. Medicaid	\$20,000,000
B. Department of Public Safety	\$14,500,000
C. Attorney General	\$500,000
D. Forestry	\$2,000,000
E. Alabama Department of Economic and Commu- nity Affairs - Planning Program	\$1,350,000

F. Unified Judicial System - Judicial Building Operations Program	\$250,000
G. Farmers' Market Authority - Capital Outlay	\$200,000

The above conditional appropriation to Medicaid is the first priority conditional and shall be released in full should the Governor declare a need before any other conditional appropriation from the General Fund may be released. The above conditional appropriation to the Department of Public Safety is the second priority conditional appropriation and shall be released in full should the Governor declare a need, before other conditional appropriations from the General Fund may be released.

SECTION 4. That, except as may be herein otherwise provided, amounts herein specifically appropriated shall be in lieu of the amounts heretofore provided or appropriated by law for such purposes. That the amounts herein appropriated are the maximum amounts to be expended for the purposes herein designated and in no event shall the maximum expenditure provided for any items of expense exceed the amount allocated herein except as may be provided for under Sections 5 and 6 of this bill, as provided in the Budget Management Act of 1976, Sections 41-19-1 et seq., Code of Alabama 1975, and those appropriations herein made, except appropriations to the Alabama Alcoholic Beverage Control Board for the purchase of alcoholic beverages, are and shall be subject to the terms, conditions, provisions and limitations of Sections 41-4-80 et seq., Code of Alabama 1975, and the Budget Management Act of 1976, Sections 41-19-1 et seq., Code of Alabama 1975.

SECTION 5. That any surplus remaining in any appropriation herein made from the State General Fund to any office, department, bureau, board, commission or agency may be transferred, on order of the Governor, to any other appropriation herein made from the State General Fund when such appropriation to any office, department, bureau, board, commission or agency is insufficient to pay salaries in that office, department, bureau, board, commission or agency.

SECTION 6. In addition to appropriations herein made, all gifts, grants, contributions or entitlements, in excess of the amount carried in the bill, including grants by the Congress of the United States, municipalities or counties, to any department, division, board, bureau, commission, agency, institution, office or officer of the State of Alabama are hereby appropriated and, in the event the same are recurring, are reappropriated to such department, division, board, bureau, commission, agency, institution, office or officer to be used only for the purpose or purposes for which the grant or contribution was or shall be made. Further, all state, county, municipal and educational entities are authorized to disburse such sums as deemed necessary by mutual agreement between said entities and the State of Alabama, Department of Examiners of Public Accounts to partially defray the cost of auditing services performed by said agency. All such sums are hereby appropriated and reappropriated if necessary to the Department of Examiners of Public Accounts for audit services, to be expended through the fund established by Section 41-5-24, Code of Alabama 1975.

SECTION 7. All interest earned from funds paid into Account No. 396 (formerly Account No. 305735) by Act 87-761, Act 88-947, Act 89-79, Act 90-556 and Act 91-572 are hereby appropriated to the Governor's Contingency Fund to be spent at the discretion of the Governor. Any other interest earned by the state from Revenue Sharing Investments under the State and Local Fiscal Assistance Act of 1972, as amended, Public Law 92-512, 92nd Congress, together with any accruals or reversions thereon are hereby appropriated to the State General Fund.

SECTION 8. All encumbered balances of a previous fiscal year appropriation, other than the exclusions authorized in Section 41-4-93, Code of Alabama 1975, shall lapse no later than September 30 of the fiscal year immediately following the fiscal year for which the appropriation was made and shall revert to the credit of the State General Fund or earmarked fund from which the appropriation or appropriations were made.

SECTION 9. The appropriations made herein to the departments, boards, offices, commissions and agencies include the amounts necessary and said departments, boards, offices, commissions and agencies are hereby directed to make the transfer of funds to the State Personnel Department in said amounts enumerated in this Act. All agencies enumerated in this Act and receiving services from other governmental agencies enumerated in this Act shall make full payment in a timely manner (as determined by the Department of Finance) for such services.

SECTION 10. (a) Funds appropriated from the State General Fund or earmarked state funds in this act to any state department, division, board, bureau, commission, agency, institution, or office (with the exception of local boards of education, the Department of Transportation, postsecondary institutions of education and the legislative branch of government) shall not be expended for the purchase or lease of automotive vehicles. Notwithstanding the foregoing, the Department of Public Safety may purchase automotive vehicles to be used for direct law enforcement purposes only. The Department of Public Safety may not transfer automotive vehicles from law enforcement personnel nor vehicles designated for law enforcement purposes to other personnel in that department nor shall vehicles be transferred to be used for any other purpose in that department nor transferred to any other state agency. A state agency may request to purchase or lease automotive vehicles for emergency purposes. The request shall be made in writing to the Director of Finance, the Chairman of the House Committee on Ways and Means, and the Chairman of the Senate Committee on Finance and Taxation-General Fund. The request shall explain the nature of the automotive purchase or lease and the emergency need for the vehicle. The request shall be approved unanimously by the Director of Finance, the Chairman of the House Committee on Ways and Means, and the Chairman of the Senate Committee on Finance and Taxation-General Fund prior to the purchase or lease of any automotive vehicle.

(b) No funds appropriated in this Act shall be expended for the purpose of purchasing optional equipment on state motor vehicles that consist of stereo equipment, power seats, leather upholstery, premium wheel covers, deluxe exterior trim, or sun roofs.

SECTION 11. If any section, paragraph, sentence, clause, provision or portion of this Act or all or any portion of any appropriations herein made be held unconstitutional or invalid, it shall not affect any other section, paragraph, sentence, clause, provision or portion of this Act or any other appropriation or appropriations or portion thereof hereby made not in and of itself unconstitutional or invalid.

SECTION 12. All laws and parts of laws, general, special, private or local in conflict with or inconsistent with the provisions of this Act be and the same are hereby expressly repealed.

SECTION 13. Each agency of the State funded through the provisions of this Act shall provide an equal opportunity for employment and business opportunities for all citizens of this state without regard to sex or race.

SECTION 14. This Act shall become effective October 1, 1995.

Amend H. 234 as substituted on page 9 by striking lines 4-8 in their entirety.

Amend House Bill 234 as substituted on page 42, lines 3 and 8 by striking the figure "850,000" and inserting the figure "1,250,000".

Further amend the bill on page 42, line 5 by striking the figure "800,000" and inserting the figure "1,200,000".

Further amend the bill on page 42 after line 3 by inserting the following:

"The appropriation to the State Health Planning Agency shall include a transfer to the State General Fund of \$400,000. The above transfer shall be made in four equal amounts at the beginning of each quarter of the fiscal year."

Further amend the bill on page 26, line 16 by striking the figure "3,899,778" and by substituting in lieu thereof the figure "4,299,778"

Further amend on page 26, line 19 by striking the figure "3,799,778" and by substituting in lieu thereof the figure "4,199,778"

Further amend on page 26 line 25 by striking the figures "4,099,764" and "4,199,764" and by substituting in lieu thereof the figures "4,499,764" and "4,599,764" respectively.

Amend House Bill 234 as substituted on page 11 by striking lines 25 through 27 in their entirety and by substituting in lieu thereof the following: "laboratories be retained by the laboratories and utilized for their operations."

Amend House Bill 234 as substituted on page 65, after line 34 by inserting the following: "The Public Service Commission shall submit any personal services contracts, including contracts with outside attorneys, to the Legislative Contract Review Committee for prior approval."

Amend House Bill 234 as substituted on page 73, line 30 after the word "commission" by inserting the following: "; \$15,000 shall be transferred to the Tallacoosa Highland Lakes Association".

Amend House Bill 234 as substituted on page 51, line 11 by striking the figure "143,593,195" and inserting in lieu thereof the figure "148,793,195".

Further amend the bill on page 51, line 13 by striking the figure "143,193,195" and inserting in lieu thereof the figure "148,793,195".

Further amend the bill on page 51, line 28 by striking the figure "267,049,081" and inserting in lieu thereof the figure "261,849,081".

Further amend the bill on page 52, line 5 by striking the figures "143,593,195" and "1,628,360,888" and inserting in lieu thereof the figures "148,793,195" and "1,623,160,888" respectively".

Further amend the bill on page 75 after line 3 by inserting the following:

"(k) Transfer to Department of Public Safety... 11,500,000

Further amend the bill on page 74, line 21 by deleting the figure "509,190,226" and inserting in lieu thereof "497,690,226".

Further amend the bill on page 75, line 6 by deleting the figure "440,865,697" and inserting in lieu thereof "429,365,697".

Further amend the bill on page 75, line 9 by deleting the figure "3,500,000" and inserting in lieu thereof the figure "15,000,000".

Further amend the bill on page 64, line 2 by striking the figure "18,276,767" and inserting in lieu thereof the figure "29,776,767".

Further amend the bill on page 64, line 24 by striking the figures "14,648,451" and "48,921,311" and by inserting in lieu thereof the figures "26,148,451" and "60,421,311" respectively.

Further amend the bill on page 64, after line 23 by inserting the following:

"(8) Transfer from Public Road and Bridge Fund...11,500,000"

Amend House Bill 234 as substituted on page 73, line 30 following the Dial amendment by striking the period and inserting the following: "; \$20,570 shall be transferred to the Childersburg Heritage Foundation."

Amend House Bill 234 as substituted on page 51, lines 11 and 13 by deleting the figure "148,793,195" and inserting in lieu thereof the figure "160,593,195".

Further amend the bill on page 52, line 5 by deleting the figures "148,793,195" and "1,771,954,083" and inserting in lieu thereof the figures "160,593,195" and "1,783,754,083" respectively.

Amend House Bill 234 on page 44, after line 26 by inserting the following:

"Helen Keller Birthplace 25,000"

Further amend the bill on page 43, line 27 by deleting the number "746,887" and inserting in lieu thereof the number "721,887".

Amend House Bill 234 as substituted on page 5, lines 13, 15 and 16 by striking the figure "125,828" and by inserting in lieu thereof the figure "175,828".

Further amend the bill on page 83, line 29 by striking the figure "3,000,000" and by inserting in lieu thereof the figure "2,950,000".

Further amend the bill on page 84, line 7 by striking the figure "3,000,000" and by inserting in lieu thereof the figure "2,950,000".

Further amend the bill on page 84, line 11 by striking the figure "3,072,694" and by inserting in lieu thereof the figure "3,022,694".

Amend House Bill 234 as substituted on page 86, lines 14, 16 and 21 by deleting the number "8,000" and inserting in lieu thereof the number "10,000".

Amend House Bill 234 as substituted on page 54 after line 29 by inserting the following language: "In addition to the above appropriation, there is hereby appropriated \$1,000,000 from the State General Fund, to be conditioned upon the availability of funds in the General Fund and the approval of the Governor, for the Armory Commission for the armory at Tuscaloosa, \$75,000 of which is to be expended at the Snead Armory in Boaz."

Yeas 96; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hogan, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Parker (P), Parker (T), Payne, Penry, Perdue, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

COMMITTEE ON CONFERENCE APPOINTED

The Speaker appointed as a Committee on Conference on the part of the House, Representatives Fuller, Curry and Kennedy on the disagreement of the two Houses on the Senate amendment to the bill, H. 234.

SPECIAL ORDER CALENDAR RESUMED**BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Hooper, the Budget Isolation Resolution relating to the bill, S. 214, was adopted.

Yeas 89; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

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And the bill:

S. 214. Providing for distinctive motor vehicle license tags or plates for supporters of the United States Olympic Committee and the Alabama Sports Foundation to commemorate the 1996 Olympic Games; prescribing the fees for the tags or plates; providing for disposition of the net proceeds from the fees; providing for an expiration date for the manufacture of the tags or plates; and providing for a delayed effective date.

was taken up.

AMENDMENT OFFERED

Representative Hooper offered the following amendment to the bill, S. 214:

Amend S. 214, page 2, line 2, by changing the semicolon after the word "fees" to a period and by striking all the remaining part of page 2, line 2, beginning with the word "providing" and by striking page 2, lines 3 and 4.

Further amend S. 214 by striking all of the sentence "Production and issuance of the tags and plates shall cease on December 31, 1996." which appears on page 2, line 26, through page 3, line 2.

Further amend S. 214 by striking Section 5 on page 5, lines 5 through 7, in its entirety and substitute in lieu thereof the following:

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or its otherwise becoming a law.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 89; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Box, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Layson, Letson, Lindsey, Maull, McClammy, McDaniel, McKee, McMillan, Melton, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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And the bill, S. 214, as amended, was read a third time at length and passed.

Yeas 86; Nays 1.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Box, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hinshaw, Hogan, Hooper, Jackson, Johnson (R),

Jorgensen, Kennedy, Knight (A), Laird, Layson, Letson, Lindsey, Maull, McAdory, McDaniel, McKee, McMillan, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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Nay:

Representative Hilliard.

- 1

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Hawkins, the Budget Isolation Resolution relating to the bill, S. 331, was adopted.

Yeas 90; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Box, Buskey, Carns, Carothers, Clark (W), Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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And the bill:

S. 331. Exempting certain persons from state licensure, registration, and certification requirements who are in the state to render certain services for the Games of the Twenty-Sixth Olympiad and the Games of the Tenth Paralympiad to be held, in part, in Alabama in 1996; to provide for consent for certain medical services; and to provide for repeal of this act on December 31, 1996.

was read a third time at length and passed.

Yeas 97; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Boyd, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-97

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Guin, the Budget Isolation Resolution relating to the bill, S. 334, was adopted.

Yeas 95; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Boyd, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-95

And the bill:

S. 334. To amend Sections 38-10-8 and 38-10-12 of the Code of Alabama 1975, relating to the distribution of support collections; to provide exceptions to the

distribution requirements; to provide for disbursement of a pro rata share of support collected to each family owed support; to provide an exception to the five-day distribution rule when the department receives an affidavit to terminate income withholding; and to provide that collections of \$10 or less be held in escrow for distribution at a later date.

was read a third time at length and passed.

Yeas 87; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Boyd, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-87

BUDGET ISOLATION RESOLUTION OFFERED

Representative Gaines offered the motion to adopt the Budget Isolation Resolution relating to the bill, S. 501.

BUDGET ISOLATION RESOLUTION TEMPORARILY CARRIED OVER

On motion of Representative Gaines, the bill, S. 501, and the pending Budget Isolation Resolution were temporarily carried over.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 20. To amend Section 32-6-350 of the Code of Alabama 1975, relating to distinctive license tags for certain veterans, to provide that the local veterans affairs officer in the county in which application is made to certify eligibility of a Vietnam Veteran for the tag.

Also:

H. 425. To amend Section 32-6-150, Code of Alabama 1975, relating to the issuance and sale of personalized license tags for motor vehicles, to authorize the issuance and sale of the tags for motorcycles.

McDOWELL LEE
Secretary

SPECIAL ORDER CALENDAR RESUMED

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Hall (L), the Budget Isolation Resolution relating to the bill, S. 522, was adopted.

Yeas 89; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Jackson, Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Penry, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

-89

And the bill:

S. 522. To provide that domestic violence is detrimental to the child and to create a rebuttable presumption that it is not in the best interest of the child to be in the sole or joint custody of a parent who is the perpetrator of domestic or family violence; to specify factors to be considered by a court in awarding custody, visitation, and modification of an order.

was read a third time at length and passed.

Yeas 92; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-92

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Hall (L), the Budget Isolation Resolution relating to the bill, S. 524, was adopted.

Yeas 84; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Buskey, Carns, Carothers, Clark (W), Clouse, Crigler, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hill, Hilliard, Hogan, Houston, Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Murphree, Newton (C), Page, Papucci, Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, Warren, White and Wren.

-84

And the bill:

S. 524. Amending Sections 30-5-1, 30-5-2, 30-5-3, 30-5-4, 30-5-5, 30-5-6, 30-5-7, 30-5-8, 30-5-9, and 30-5-10 of the Code of Alabama 1975, relating to protection from abuse orders; to specify the purposes of the law, to expand the meaning of abuse and family and household members and to define certain other terms; to specify how an order may be obtained, jurisdiction, venue, hearings and legal proceedings, and for the content and issuance of protection orders; to provide remedies and relief; to prescribe criminal penalties; and to provide for a prospective effective date.

was read a third time at length and passed.

Yeas 90; Nays 3.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Townsend, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-90

Nay:

Representatives Drake, Guin and Robinson.

- 3

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 690. To clarify and confirm the applicability of Section 40-23-1, Code of Alabama 1975, relating to withdrawals of certain inventory and the amount of sales tax thereon, and to provide for a retroactive effect.

McDOWELL LEE
Secretary

SPECIAL ORDER CALENDAR RESUMED

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Hall (L), the Budget Isolation Resolution relating to the bill, S. 521, was adopted.

Yeas 88; Nays 1.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Box, Boyd, Burke, Buskey, Carns, Clark (W), Clouse, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (J), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Vance, Venable, White and Wren.

-88

Nay:

Representative Maull.

- 1

And the bill:

S. 521. Amending Section 15-10-3, Code of Alabama 1975, which provides the circumstances when a law enforcement officer may arrest without a warrant; to add harassment as an additional category of domestic violence; and to expand the definition of family or household member.

was read a third time at length and passed.

Yeas 93; Nays 1.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (J), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-93

Nay:

Representative Maull.

- 1

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 299. To enact the Alabama Prescribed Burning Act; to provide legislative findings and purposes regarding prescribed burning as a land management tool; to provide for the rule making authority of the Alabama Forestry Commission; to provide certain requirements necessary for the conduct of prescribed burning; and to provide that a property owner conducting a prescribed burn pursuant to the requirements shall not be liable for damage caused by the fire unless negligence is proven.

McDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Layson, the House concurred in and adopted the Senate amendment to the bill, H. 299, said Senate amendment being as follows:

Amend H. 299 on page 3, line 26 by deleting "negligence is proven" and inserting in lieu thereof "it is shown that the property owner or his or her agent failed to act within that degree of care required of others similarly situated."

Further amend H. 299 on page 4, line 2 by deleting "and shall not constitute a public or private nuisance,"

Yeas 85; Nays 0.

Yea:

Representatives Allen, Baker, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen,

Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Millican, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Vance, Venable, Willis and Wren.

-85

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the Report of the Committee on Conference on the disagreement of the two Houses on the House amendment to the Bill:

S. 357. To amend Sections 3.05 and 4.04 of Act No. 618, H. 796, 1973 Regular Session of the Legislature, relating to the Mayor-Council form of government in cities with a population of not less than 70,000 nor more than 135,000 inhabitants according to the 1970 or any subsequent federal decennial census; so as to further provide for the Council of such cities to set per diem allowances, salaries, or expense allowances for the Council and Mayor.

said Conference Report being in words and figures as follows:

REPORT OF COMMITTEE OF CONFERENCE ON S. 357

We, the Committee of Conference appointed to reconcile the disagreement between the two houses concerning S. 357, have met, considered the bill as substituted, and have agreed to the following report:

Attached Substitute.

Respectfully submitted,

CHARLES LANGFORD
LARRY DIXON
ROGER BEDFORD

Conferees on the part of the Senate

BOB MCKEE
JOHN F. KNIGHT
THAD MCCLAMMY

Conferees on the part of the House

A BILL
TO BE ENTITLED
AN ACT

To amend Sections 3.05 and 4.04 of Act No. 618, H. 796, 1973 Regular Session of the Legislature, relating to the Mayor-Council form of government in cities with a population of not less than 70,000 nor more than 135,000 inhabitants according to the 1970 or any subsequent federal decennial census; so as to further provide for the Council of such cities to set per diem allowances, salaries, or expense allowances for the Council and Mayor.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 3.05 of Act No. 618, H. 796, 1973 Regular Session of the Legislature is hereby amended to read as follows:

"Section 3.05. Compensation - Commencing with the 1995 term, the Council shall receive such salary as the Council may, by resolution or by ordinance, prescribe. Such salary and the manner in which it is to be paid, shall be established by the Council." In no event shall the Council set the annual salary of the Council below eight thousand five hundred dollars (\$8,500) or above eighteen thousand dollars (\$18,000).

Section 2. Section 4.04 of Act No. 618, H. 796, 1973 Regular Session of the Legislature, is hereby amended to read as follows:

"Section 4.04. Compensation - Commencing with the 1995 term, the Mayor shall receive such salary as the Council may, by resolution or ordinance, prescribe. Such salary and the manner in which it is to be paid, shall be established by the Council." In no event shall the Council set the annual salary of the Mayor below fifty thousand dollars (\$50,000) or above ninety-five thousand dollars (\$95,000).

Section 3. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this act are repealed.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

And said Bill, SB 357, together with the Report of the Committee on Conference, is herewith sent to the House for its consideration.

McDOWELL LEE
Secretary

SENATE MESSAGE**REPORT OF THE COMMITTEE ON CONFERENCE ADOPTED**

On motion of Representative McKee, the House concurred in and adopted the Report of the Committee on Conference on the disagreement of the two Houses on the House amendment to the bill, S. 357, said report being set out in the foregoing Message from the Senate.

Yeas 85; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, McAdory, McClammy, McDaniel, McKee, Millican, Minnifield, Moore, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Perdue, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Vance, Venable, Warren, Willis and Wren.

-85

SPECIAL ORDER CALENDAR RESUMED**BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Hall (L), the Budget Isolation Resolution relating to the bill, S. 523, was adopted.

Yeas 81; Nays 0.

Yea:

Mr. Speaker, Allen, Black (M), Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrow, Morton, Murphree, Newton (D), Papucci, Parker (P), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (J), Townsend, Turner, Vance, Warren, White, Willis and Wren.

-81

And the bill:

S. 523. To amend Section 15-23-42 of the Code of Alabama 1975; to provide for the termination of the confidential communications privilege of a crime victim counselor upon the death of the victim.

was read a third time at length and passed.

Yeas 92; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (D), Papucci, Parker (P), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Warren, White, Willis and Wren.

-92

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Newton (C), the Budget Isolation Resolution relating to the bill, S. 372, was adopted.

Yeas 91; Nays 0.

Yea:

Mr. Speaker, Allen, Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-91

And the bill:

S. 372. To amend Section 36-30-1 of the Code of Alabama 1975; to provide that if a peace officer, certified police officer, or reserve law enforcement officer is killed while engaged in the performance of his or her duties and there are no dependents or partial dependents, then his or her mother or father shall be eligible for compensation.

was taken up.

AMENDMENT OFFERED

Representative Newton (C) offered the following amendment to the bill, S. 372:

Amend Senate Bill 372 on page 4 by striking lines 12 and 13 in their entirety and inserting the following in lieu thereof:

"Section 2. The amendatory provisions of this act shall be retroactive to June 1, 1994 and, notwithstanding Section 36-30-5, parents of peace officers killed between June 1, 1994 and the effective date of this act shall have one year from the effective date of this act to present claims for compensation to the awarding authority."

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 93; Nays 0.

Yea:

Mr. Speaker, Allen, Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, Warren, White, Willis and Wren.

And the bill, S. 372, as amended, was read a third time at length and passed.

Yeas 92; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maul, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Payne, Penry, Perdue, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-92

MESSAGE FROM THE SENATE

Mr. Speaker:

The Presiding Officer of the Senate having signed the following Senate Bill, your signature thereto is requested:

S. 334. To amend Sections 38-10-8 and 38-10-12 of the Code of Alabama 1975, relating to the distribution of support collections; to provide exceptions to the distribution requirements; to provide for disbursement of a pro rata share of support collected to each family owed support; to provide an exception to the five-day distribution rule when the department receives an affidavit to terminate income withholding; and to provide that collections of \$10 or less be held in escrow for distribution at a later date.

McDOWELL LEE
Secretary

SIGNING OF SENATE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Presiding Officer of the Senate having signed the following Senate Bills, your signature thereto is requested:

S. 331. Exempting certain persons from state licensure, registration, and certification requirements who are in the state to render certain services for the Games of the Twenty-Sixth Olympiad and the Games of the Tenth Paralympiad to be held, in part, in Alabama in 1996; to provide for consent for certain medical services; and to provide for repeal of this act on December 31, 1996.

Also:

S. 227. Amending Section 29-2-41.2 of the Code of Alabama 1975, to provide procedures for review of certain legal services contracts by the Legislative Contract Review Oversight Committee.

McDOWELL LEE
Secretary

SIGNING OF SENATE BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the foregoing Message from the Senate.

SPECIAL ORDER CALENDAR RESUMED**BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Johnson (R), the Budget Isolation Resolution relating to the bill, S. 5, was adopted.

Yeas 94; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory,

McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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And the bill:

S. 5. To amend Section 13A-12-231, Code of Alabama 1975, relating to trafficking in cannabis, cocaine, and other illegal drugs, so as to further provide that a person who knowingly sells, manufactures, delivers, or brings into this state, or who knowingly is in actual or constructive possession of in excess of one kilo or 2.2 pounds of any part of a cannabis plant would be guilty of trafficking in cannabis.

was read a third time at length and passed.

Yeas 92; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Payne, Penry, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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MESSAGE FROM THE GOVERNOR

To The Alabama House of Representatives
Alabama State House
Montgomery, Alabama 36130

Ladies and Gentlemen:

I transmit herewith to you a message from the Governor, returning House Bill No. 353, without the Governor's signature and with a suggested Executive Amendment.

Done this 25th day of July, 1995.

Respectfully submitted,

WILLIAM P. GRAY
Legal Advisor to the Governor

MESSAGE FROM THE GOVERNOR

To The Alabama House of Representatives
Alabama State House
Montgomery, Alabama 36130

Ladies and Gentlemen:

I am returning to you, the body in which it originated, House Bill No. 353, without my signature, but with the following suggested Executive Amendment:

EXECUTIVE AMENDMENT TO HOUSE BILL NUMBER 353:

Please amend House Bill No. 353 on page 2, line 2, after the word "pay" insert a period (.) and delete the remainder of the sentence.

The adoption of the above suggested Executive amendment will remove my objections to this bill.

Done this 25th day of July, 1995.

Respectfully,

FOB JAMES, JR.
Governor

GOVERNOR'S MESSAGE

On motion of Representative Baker, the House concurred in and adopted the amendment proposed by His Excellency, the Governor, to the bill, H. 353, said Governor's amendment being set out in the foregoing Message from the Governor.

Yeas 89; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Boyd, Burke, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes,

Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maul, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (D), Page, Papucci, Parker (P), Payne, Penry, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 228. Relating to state employees; to prohibit the use of polygraph testing of state employees; and to provide for penalties.

Also:

H. 218. Setting forth the Alabama Unincorporated Nonprofit Association Act, providing for the governance, powers, duties, liability in tort and contract, capacity, and standing of a nonprofit association and its members and officers; providing for the effect of a judgment or order, claims for relief, transitions concerning real property, venue, service of process of a nonprofit association, and disposition of property of an inactive or dissolved association; specifying certain laws not repealed; and providing a prospective effective date.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the foregoing Report of the Standing Committee on Rules.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 806. To amend Sections 40-2A-5, 40-2A-7, 40-2A-9, 40-2A-10, and 40-2A-11, Code of Alabama 1975; to provide further for the administrative procedures and operations of the Department of Revenue.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Report of the Standing Committee on Rules.

SPECIAL ORDER CALENDAR RESUMED**BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Box, the Budget Isolation Resolution relating to the bill, S. 39, was adopted.

Yeas 88; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Boyd, Burke, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Laird, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Payne, Penry, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

And the bill:

S. 39. To amend Section 9-11-7 of the Code of Alabama 1975, to authorize a district attorney's fee to be taxed against the defendant in the district courts of this state in cases involving violations of the game and fish laws or rules and regulations in the same manner as a district attorney's fee is taxed and collected in all other cases in the district courts of this state.

was read a third time at length and passed.

Yeas 92; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Laird, Layson, Letson, Lindsey, Maull, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Letson, the Budget Isolation Resolution relating to the bill, S. 406, was adopted.

Yeas 95; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Boyd, Burke, Carns, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford,

Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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And the bill:

S. 406. To provide requirements for a drug-free workplace program which enables an employer in the program to qualify for a premium discount on Workers' Compensation insurance; to provide for substance abuse testing procedures relating to the program; to provide for Employee Assistance Programs; to provide for confidentiality of certain information; and to provide for the Department of Industrial Relations to perform certain administrative duties related to the program.

was read a third time at length and passed.

Yeas 99; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Letson, Lindsey, Maul, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 20. To amend Section 32-6-350 of the Code of Alabama 1975, relating to distinctive license tags for certain veterans, to provide that the local veterans affairs officer in the county in which application is made to certify eligibility of a Vietnam Veteran for the tag.

Also:

H. 425. To amend Section 32-6-150, Code of Alabama 1975, relating to the issuance and sale of personalized license tags for motor vehicles, to authorize the issuance and sale of the tags for motorcycles.

Also:

H. 690. To clarify and confirm the applicability of Section 40-23-1, Code of Alabama 1975, relating to withdrawals of certain inventory and the amount of sales tax thereon, and to provide for a retroactive effect.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the foregoing Report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 474. To require the exchange of immunization status data of patients, upon request, among public and private health care providers, health care insurers, certain educational institutions, and organizations with a need to verify the immunization status of persons in their care, custody, or enrollment; and to provide immunity for the good faith exchange of information pursuant to this act.

Also:

H. 614. To amend Section 41-19-3, Code of Alabama 1975, relating to the Budget Management Act, to change the date that the Governor is required to present the long-range revenue and expenditure plan to the Legislature and provide that the Joint Fiscal Committee shall serve in an advisory capacity to the Governor in the development of the plans.

Also:

H. 178. To provide distinctive motor vehicle license tags or plates for members of Lions Club International; providing for the fees for these tags or plates and for the disposition of the net proceeds from the fees; and providing for a delayed effective date.

Also:

H. 299. To enact the Alabama Prescribed Burning Act; to provide legislative findings and purposes regarding prescribed burning as a land management tool; to provide for the rule making authority of the Alabama Forestry Commission; to provide certain requirements necessary for the conduct of prescribed burning; and to provide that a property owner conducting a prescribed burn pursuant to the requirements shall not be liable for damage caused by the fire unless negligence is proven.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the foregoing Report of the Standing Committee on Rules.

RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Representative Hall (L):

H.R. 491. COMMENDING REVEREND MCKINLEY JONES FOR OUT-
STANDING SERVICE.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Senators Butler, Freeman, Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Clay, Davidson, Denton, Dial, Dixon, Escott-Russell, Figures, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom:

S.J.R. 154. DESIGNATING NASA SUPPORT WEEK.

Also:

By Senators Lindsey, Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Davidson, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom:

S.J.R. 155. COMMENDING DANNY DASIS FOR RECEIVING GOLF GOLD MEDAL AT INTERNATIONAL SPECIAL OLYMPICS.

McDOWELL LEE
Secretary

SENATE MESSAGE

The resolution, S.J.R. 154, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

Also:

The resolution, S.J.R. 155, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 266. To make an appropriation of \$52,500 from the State General Fund to the AIDS Task Force of Alabama for the fiscal year ending September 30, 1996, and to require an operations plan and an audited financial statement prior to release of any funds.

Also:

H. 267. To make an appropriation of \$35,050 from the State General Fund to the Beacon House - Jasper for the fiscal year ending September 30, 1996, and requires an operations plan and an audited financial statement prior to release of any funds.

Also:

H. 268. To make an appropriation of \$142,600 from the State General Fund to the Alabama Council on Child Abuse, Inc. for the fiscal year ending September 30, 1996, and requires an operations plan and an audited financial statement prior to release of any funds.

Also:

H. 270. To make an appropriation of \$359,674 from the State General Fund to the Coalition Against Domestic Violence for the fiscal year ending September 30, 1996, and to require an operations plan and an audited financial statement prior to release of any funds.

Also:

H. 383. To make an appropriation from the State General Fund in the amount of \$842,911 to the Child Advocacy Centers for the fiscal year ending September 30, 1996, and to require operations plans and audited financial statements prior to release of any funds.

Also:

H. 877. To make an appropriation from the State General Fund to the Coosa-Alabama River Improvement Association, Inc. in the sum of \$73,442 for the fiscal year ending September 30, 1996, and to require an operations plan and an audited financial statement prior to release of any funds.

McDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 271. To make an appropriation of \$61,853 from the State General Fund to the Elyton Recovery Center for the fiscal year ending September 30, 1996, and to require an operations plan and an audited financial statement prior to release of any funds.

McDOWELL LEE
Secretary

SPECIAL ORDER CALENDAR RESUMED

S. 454 TEMPORARILY CARRIED OVER

On motion of Representative Laird, the bill, S. 454, was temporarily carried over.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Venable, the Budget Isolation Resolution relating to the bill, S. 620, was adopted.

Yeas 83; Nays 1.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, McClammy, McMillan, Millican, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turnham, Vance, Venable, Warren, White and Willis.

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Nay:

Representative Dolbare.

- 1

And the bill:

S. 620. To amend Section 11-98-5 of the Code of Alabama 1975, which relates to emergency telephone service charges; to specify that the maximum tariff rate may be based on the maximum tariff rate charged by any service supplier in the district; and to provide for retroactive effect.

was taken up.

AMENDMENT OFFERED

Representative Venable offered the following amendment to the bill, S. 620:

On page 6, line 9, delete "The governing" and the remainder of the sentence on lines 10, 11, and 12, and insert in lieu thereof the following: The governing body and the E-911 board of the county or city affected shall jointly be responsible for purchasing and installing the necessary signs to properly identify all roads and streets in the district.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 92; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Layson, Letson, Lindsey, Maull, McAdory, McClammy, McKee, McMillan, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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And the bill, S. 620, as amended, was read a third time at length and passed.

Yeas 95; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Letson, Lindsey, Maull, McAdory, McClammy, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P),

Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Presiding Officer of the Senate having signed the following Senate Bills, your signature thereto is requested:

S. 357. To amend Sections 3.05 and 4.04 of Act No. 618, H. 796, 1973 Regular Session of the Legislature, relating to the Mayor-Council form of government in cities with a population of not less than 70,000 nor more than 135,000 inhabitants according to the 1970 or any subsequent federal decennial census; so as to further provide for the Council of such cities to set per diem allowances, salaries, or expense allowances for the Council and Mayor.

Also:

S. 521. Amending Section 15-10-3, Code of Alabama 1975, which provides the circumstances when a law enforcement officer may arrest without a warrant; to add harassment as an additional category of domestic violence; and to expand the definition of family or household member.

Also:

S. 524. Amending Sections 30-5-1, 30-5-2, 30-5-3, 30-5-4, 30-5-5, 30-5-6, 30-5-7, 30-5-8, 30-5-9, and 30-5-10 of the Code of Alabama 1975, relating to protection from abuse orders; to specify the purposes of the law, to expand the meaning of abuse and family and household members and to define certain other terms; to specify how an order may be obtained, jurisdiction, venue, hearings and legal proceedings, and for the content and issuance of protection orders; to provide remedies and relief; to prescribe criminal penalties; and to provide for a prospective effective date.

McDOWELL LEE
Secretary

SIGNING OF SENATE BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Presiding Officer of the Senate having signed the following Senate Bill, your signature thereto is requested:

S. 522. To provide that domestic violence is detrimental to the child and to create a rebuttable presumption that it is not in the best interest of the child to be in the sole or joint custody of a parent who is the perpetrator of domestic or family violence; to specify factors to be considered by a court in awarding custody, visitation, and modification of an order.

McDOWELL LEE
Secretary

SIGNING OF SENATE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Message from the Senate.

SPECIAL ORDER CALENDAR RESUMED**BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Carothers, the Budget Isolation Resolution relating to the bill, S. 72, was adopted.

Yeas 86; Nays 0.

Yea:

Representatives Allen, Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Willis.

And the bill:

S. 72. (With Substitute): Amending Section 36-27-50, Code of Alabama 1975, to reopen the Employees' Retirement System for a certain period to afford certain legislative employees an opportunity to purchase prior service credit for certain temporary service rendered as legislative employees.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To amend Section 36-27-50, Code of Alabama 1975, to reopen the Employees' Retirement System for a certain time to allow certain employees to purchase certain prior service credit as a temporary employee of the legislative branch in the retirement system.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 36-27-50, Code of Alabama 1975, is amended to read as follows:

"(a) Notwithstanding any provision of Title 36 to the contrary, any state employee who has worked during at least five regular sessions of the legislature since 1971 or any employee who has worked during five consecutive regular sessions of the legislature and who is termed "temporary employee" shall be considered a full-time employee of the State of Alabama and may, at the option of the employee, be covered as a member of the state employees' retirement system and the state employees' health insurance plan. Notwithstanding the foregoing, coverage shall continue as if the person is employed full time. The employee shall pay the full health insurance cost during the time the employee is not on the legislative payrolls but remains eligible to continue employment during the next regular or special session of the legislature. During any legislative session that the employee is employed, the applicable contributions to the state employees' retirement system and to health insurance coverage for dependents, if coverage is subscribed to for dependents, shall be deducted from the employee's pay in the same manner as for full-time state employees and the employer cost shall be paid from funds appropriated to the legislature.

"(b)(1) Any state employee, eligible to participate in the state employees' retirement system or to participate in the state employees' health insurance program, either as a regular full-time legislative employee (including but not limited to legislative reference service personnel) or pursuant subsection (a), may

purchase prior service which shall be based on a pro rata basis on the number of months worked as a temporary employee of the legislative branch during any calendar year. There shall be no penalty for interruption of service based on the legislature being out of session or of the employee not being employed in any special session. Notwithstanding the foregoing, the employee shall be ineligible to buy any time not otherwise qualified for during any other period. The eligible legislative employee shall purchase the time by paying the amount he or she would have contributed had he or she been allowed to become a member when the service as a temporary employee of the legislative branch was rendered, together with interest not to exceed 8% compounded annually from the date of service to the date of payment.

"(2) Any employee who purchases creditable service pursuant to subdivision (b)(1) shall pay the full amount within two years after electing to become eligible to become eligible to participate pursuant to subsection (a) of this section. If an eligible employee has not purchased the creditable service under subdivision (b) (1) during the aforementioned two year period or a member is now eligible under subsection (b)(1) to purchase time worked as a temporary employee of the legislative branch, he or she may purchase the creditable service by paying the full amount of the cost of purchasing the creditable service to the Secretary-Treasurer of the Employees' Retirement System between October 1, 1995 and December 31, 1995."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 94; Nays 0.

Yea:

Mr. Speaker, Allen, Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

AMENDMENT OFFERED

Representative Carothers offered the following amendment to the bill, S. 72, as amended:

Amend Senate Bill 72 on page 2, lines 26 and 27 by deleting the following: "from funds appropriated to the legislature" and inserting in lieu thereof the following: "by the employee"

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 92; Nays 0.

Yea:

Mr. Speaker, Allen, Black (M), Box, Boyd, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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And the bill, S. 72, as amended, was read a third time at length and passed.

Yeas 91; Nays 0.

Yea:

Mr. Speaker, Allen, Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Guin, Hall (A), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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BUDGET ISOLATION RESOLUTION TEMPORARILY CARRIED OVER

On motion of Representative Carothers, the Budget Isolation Resolution and the bill, S. 239, were temporarily carried over.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 471. To require that funding for benefits provided under the Teachers' Retirement System and the Public Education Employees' Health Insurance Plan be submitted by the employer whose employees are covered, in the same manner as is done with the Employees' Retirement System of Alabama and the State Employees' Health Insurance Plan; to amend Sections 16-25-9, 16-25-15, 16-25-16, 16-25-21, 16-25-45, 16-25-62, 16-25-82, 16-25-103, 16-25A-8, 16-25A-17, 36-27-21.1, 36-27-21.3, and 36-27-21.4 of the Code of Alabama 1975.

McDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Wren, the House concurred in and adopted the Senate amendment to the bill, H. 471, said Senate amendment being as follows:

Amend House Bill 471 as engrossed on page 9 by deleting lines 26 and 27 and on page 10 by deleting lines 1 through 4 and inserting the following: "accumulation fund. The Teachers' Retirement System shall recommend to the Legislature on or before the first legislative day of each Regular Session of the Legislature the rate for the following fiscal year. The Legislature shall set the rate in the annual appropriation bill."

Further amend the bill on page 36 by deleting lines 3 through 10 and inserting the following:

"(b) On or before January 1 next preceeding each regular meeting of the legislature, the board shall certify to the governor and to the legislature the amount or amounts necessary to fund coverage for benefits authorized by this chapter for the following fiscal year for employees and for retired employees as a monthly premium per active member per month. The legislature shall set the premium rate in the annual appropriation bill. Upon receipt of the recommendation from the board, the"

Yeas 90; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 57. To make a conditional appropriation from the Alabama Special Education Trust Fund in the State Treasury to the House of Hope, Inc., in Prichard, Alabama, for the fiscal year ending September 30, 1995.

Also:

H. 277. To make an appropriation of \$56,347 from the State General Fund to the America's Junior Miss Pageant for the fiscal year ending September 30, 1996, and to require an operations plan and an audited financial statement prior to release of any funds.

Also:

H. 276. To make an appropriation of \$13,041 from the State General Fund to the Alabama's Junior Miss Pageant for the fiscal year ending September 30, 1996, and requires an operations plan and an audited financial statement prior to release of any funds.

Also:

H. 874. To make an appropriation of \$42,761 from the State General Fund to the Tri-Rivers Waterway Development Authority for the fiscal year ending September 30, 1996, and to require an operations plan and an audited financial statement prior to release of any funds.

Also:

H. 876. To make an appropriation of \$49,933 from the State General Fund to the Warrior-Tombigbee Development Association for the fiscal year ending September 30, 1996, and to require an operations plan and an audited financial statement prior to release of any funds.

McDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 273. To make an appropriation of \$18,600 from the State General Fund to the Lighthouse Counseling Center for the fiscal year ending September 30, 1996, and to require an operations plan and an audited financial statement prior to release of any funds.

McDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 274. To make an appropriation of \$42,500 from the State General Fund to the Parkinson Association of Alabama for the fiscal year ending September 30, 1996, and requires an operations plan and an audited financial statement prior to release of any funds.

Also:

H. 275. To make an appropriation of \$291,593 from the State General Fund to the Retired Senior Volunteer Program for the fiscal year ending September 30, 1996, and to require an operations plan prior to release of any funds.

Also:

H. 875. To make an appropriation of \$300,000 from the State General Fund to the Sentencing Institute for the fiscal year ending September 30, 1996, and to require an operations plan and an audited financial statement prior to release of any funds.

Also:

H. 913. To make an appropriation of \$100,000 from the State General Fund to the Shoals Entrepreneurial Center for the fiscal year ending September 30, 1996, and to require an operations plan and an audited financial statement prior to release of any funds.

McDOWELL LEE
Secretary

SPECIAL ORDER CALENDAR RESUMED

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative McDaniel, the Budget Isolation Resolution relating to the bill, S. 88, was adopted.

Yeas 78; Nays 4.

Yea:

Mr. Speaker, Allen, Black (M), Box, Boyd, Burke, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dukes, Flowers, Ford, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Jorgensen, Knight (A), Layson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Smith, Spratt, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, White and Wren.

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Nay:

Representatives Johnson (R), Millican, Sims and Willis.

S. 88 TEMPORARILY CARRIED OVER

On motion of Representative McDaniel, the bill, S. 88, was temporarily carried over.

MESSAGE FROM THE GOVERNOR

To The House of Representatives of Alabama
Alabama State House
Montgomery, Alabama 36130

Ladies and Gentlemen:

I transmit herewith to you a message from the Governor, returning House Bill No. 691, without the Governor's signature and with a suggested Executive Amendment.

Done this 25th day of July, 1995.

Respectfully submitted,

WILLIAM P. GRAY
Legal Advisor to the Governor

MESSAGE FROM THE GOVERNOR

To The House of Representatives of Alabama
Alabama State House
Montgomery, Alabama 36130

Ladies and Gentlemen:

I am returning to you, the body in which it originated, House Bill No. 691, without my signature, but with the following suggested Executive Amendment:

EXECUTIVE AMENDMENT TO HOUSE BILL NUMBER 691:

Please amend House Bill No. 691 on page 3, line 3 by deleting the following language "pursuant to Chapter 1A of Title 18 of the Code of Alabama 1975."

The adoption of the above suggested Executive Amendment will remove my objections to this bill.

Done on this the 25th day of July, 1995.

Respectfully,

FOB JAMES, JR.
Governor

GOVERNOR'S MESSAGE

On motion of Representative Hooper, the House concurred in and adopted the amendment proposed by His Excellency, the Governor, to the bill, H. 691, said Governor's amendment being set out in the foregoing Message from the Governor.

Yeas 84; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Boyd, Burke, Carns, Carothers, Clark (W), Clouse, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Gaines, Gaston, Gipson, Graham, Guin, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Laird, Letson, Lindsey, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Seibenhener, Sims, Smith, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 470. To provide for immunity for teachers to use corporal punishment or otherwise maintain order when exercising such authority within his or her local board of education's policy; to require the local board of education to legally defend such teacher against civil charges; to provide immunity for teachers and administrators who report suspected drug abuse; to further provide for warrants of arrest to be issued by the local board of education or its employees against a perpetrator when a teacher is assaulted; to exempt teachers from application of Title 26 Code of Alabama regarding child abuse when exercising corporal punishment or maintaining order within the local board of education's policy; to provide for immunity for other duly authorized school personnel.

McDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Hooper, the House concurred in and adopted the Senate amendment to the bill, H. 470, said Senate amendment being as follows:

**A BILL
TO BE ENTITLED
AN ACT**

To provide for immunity for teachers to use corporal punishment or otherwise maintain order when exercising such authority within his or her local board of education's policy; to require the local board of education to legally defend such teacher against civil charges; to provide immunity for teachers and administrators who report suspected drug abuse; to further provide for warrants of arrest to be issued by the local board of education or its employees against a perpetrator when a teacher is assaulted; to exempt teachers from application of Title 26 Code of Alabama regarding child abuse when exercising corporal punishment or maintaining order within the local board of education's policy; to provide for immunity for other duly authorized school personnel.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. It is the finding of the Alabama Legislature that the people of Alabama have two basic expectations of their public schools: (1) that students be allowed to learn in a safe classroom setting where order and discipline are maintained; and (2) that students learn at the level of their capabilities and achieve accordingly. The Legislature finds further that every child in Alabama is entitled to have access to a program of instruction which gives him or her the right to learn in a non-disruptive environment. No student has a right to be unruly in his or her classroom to the extent that such disruption denies fellow students of their right to learn. The teacher in each classroom is expected to maintain order and discipline. Teachers are hereby given the authority and responsibility to use appropriate means of discipline up to and including corporal punishment as may be prescribed by the local board of education. So long as teachers follow approved policy in the exercise of their responsibility to maintain discipline in their classroom, such teacher shall be immune from civil or criminal liability. It shall be the responsibility of the local boards of education and the administrators employed by them to provide legal support to each teacher exercising his or her authority and responsibility to maintain order and discipline in his or her classroom as long as the teacher follows local board of education's policy. Such support for the teacher shall include, but not be limited to, providing appropriate legal representation to defend the teacher against charges, filing of a written report pursuant to Section 16-1-24, Code of Alabama 1975, seeking the issuance of a warrant or warrants for any person or persons threatening or assaulting a teacher, and the timely assistance and cooperation with the appropriate authorities in the prosecution of any person or persons threatening or assaulting a teacher. Local school board authorities and school administrators providing such support shall be absolutely immune from civil and criminal liability for actions authorized or required by this section.

Section 2. The provisions of Title 26 Code of Alabama 1975, shall not apply to public school teachers in relation to corporal punishment of students when the punishment is consistent with established written policies of the employing board of education. Neither shall the provisions of Title 26 Code of Alabama 1975, apply to public school teachers or other employees while maintaining order and discipline in the classroom and on public school property, including school buses, consistent with written policies of the employing board of education.

Section 3. To fully implement the provisions of this act, the State Board of Education shall require each local board of education to develop a written policy on student discipline and behavior and to broadly disseminate them following its adoption. Copies of the student discipline and behavior policy shall be given to all teachers, staff, parents and students.

Section 4. A teacher or administrator who, in good faith, reports suspected drug abuse by a student to the appropriate authorities shall be immune from civil or criminal liability.

Section 5. It is the intent of the Legislature to include under the provisions of this bill, principals, assistant principals and any other school personnel authorized to use corporal punishment under the policies and guidelines developed by the local board of education.

Section 6. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 7. All laws or parts of laws which conflict with this act are hereby repealed.

Section 8. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Yeas 83; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Burke, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Dean, Dolbare, Dukes, Flowers, Ford, Gaines, Gaston, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Townsend, Turner, Turnham, Venable, Warren, White and Willis.

PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative Reed inadvertently voted "Yea" and intended to vote "Nay" on adoption of the Senate amendment to the bill, H. 470.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 272. To make an appropriation of \$325,000 from the State General Fund to the Alabama Kidney Foundation, Inc. for the fiscal year ending September 30, 1996, and to require an operations plan and an audited financial statement prior to release of any funds.

Also:

H. 761. To make an appropriation of \$20,000 from the Alabama Special Educational Trust Fund to the Exploreum Museum of Discovery for the fiscal year ending September 30, 1996, and to require an operations plan and audited financial statement prior to release of any funds.

Also:

H. 848. To create the Alabama Drug Education and Awareness Oversight Council; to provide for membership, powers, and functions of the council; to provide for grants for drug education and awareness programs from state appropriations; and to provide for assistance to the council.

McDOWELL LEE
Secretary

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 383. To make an appropriation from the State General Fund in the amount of \$842,911 to the Child Advocacy Centers for the fiscal year ending September 30, 1996, and to require operations plans and audited financial statements prior to release of any funds.

Also:

H. 266. To make an appropriation of \$52,500 from the State General Fund to the AIDS Task Force of Alabama for the fiscal year ending September 30, 1996, and to require an operations plan and an audited financial statement prior to release of any funds.

Also:

H. 267. To make an appropriation of \$35,050 from the State General Fund to the Beacon House - Jasper for the fiscal year ending September 30, 1996, and requires an operations plan and an audited financial statement prior to release of any funds.

Also:

H. 268. To make an appropriation of \$142,600 from the State General Fund to the Alabama Council on Child Abuse, Inc. for the fiscal year ending September 30, 1996, and requires an operations plan and an audited financial statement prior to release of any funds.

Also:

H. 270. To make an appropriation of \$359,674 from the State General Fund to the Coalition Against Domestic Violence for the fiscal year ending September 30, 1996, and to require an operations plan and an audited financial statement prior to release of any funds.

Also:

H. 271. To make an appropriation of \$61,853 from the State General Fund to the Elyton Recovery Center for the fiscal year ending September 30, 1996, and to require an operations plan and an audited financial statement prior to release of any funds.

Also:

H. 877. To make an appropriation from the State General Fund to the Coosa-Alabama River Improvement Association, Inc. in the sum of \$73,442 for the fiscal year ending September 30, 1996, and to require an operations plan and an audited financial statement prior to release of any funds.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the foregoing Report of the Standing Committee on Rules.

SPECIAL ORDER CALENDAR RESUMED**BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Hooper, the Budget Isolation Resolution relating to the bill, S. 512, was adopted.

Yeas 83; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Box, Boyd, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Dean, Dolbare, Dukes, Ford, Fuller, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sims, Smith, Spratt, Thomas (D), Townsend, Turner, Vance, Venable, Warren, White, Willis and Wren.

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And the bill:

S. 512. Relating to business corporations; to repeal Section 10-2B-15.02, Code of Alabama 1975, which provides consequences for failure of foreign corporations to qualify with the Secretary of State before transacting business in Alabama, and to reinstate the penalties and consequences previously existing in Alabama for failure to so qualify.

was read a third time at length and passed.

Yeas 91; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Ford, Fuller, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, McAdory, McClammy, McDaniel, McKee, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Perdue, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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BUDGET ISOLATION RESOLUTION OFFERED

Representative Jorgensen offered the motion to adopt the Budget Isolation Resolution relating to the bill, S. 342.

BUDGET ISOLATION RESOLUTION TEMPORARILY CARRIED OVER

On motion of Representative Jorgensen, the bill, S. 342, and the pending Budget Isolation Resolution were temporarily carried over.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Knight (A), the Budget Isolation Resolution relating to the bill, S. 206, was adopted.

Yeas 71; Nays 0.

Yea:

Mr. Speaker, Allen, Black (M), Boyd, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Flowers, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hinshaw, Hogan, Houston, Jackson, Johnson (R), Jorgensen, Knight (A), Knight (J), Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Moore, Morrison, Morton, Murphree, Papucci, Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Seibenhener, Sims, Spratt, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

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And the bill:

S. 206. To rename the Tannehill Furnace and Foundry Commission the Alabama Historic Ironworks Commission and broaden the authority of the renamed commission.

was read a third time at length and passed.

Yeas 79; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Boyd, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (R), Jorgensen, Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Seibenhener, Sims, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

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PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative Knight (A) intended to vote "Yea" on passage of the bill, S. 206.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Dukes, the Budget Isolation Resolution relating to the bill, S. 56, was adopted.

Yeas 80; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Box, Boyd, Burke, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dukes, Flowers, Gaines, Galliher, Gaston, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Page, Papucci, Parker (T), Payne,

Penry, Petelos, Pringle, Robinson, Rogers (J), Sanderford, Seibenhener, Sims, Spratt, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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And the bill:

S. 56. To amend Sections 41-16-50, 41-16-51, 41-16-52, and 41-16-54, Code of Alabama 1975, relating to competitive bid laws, to provide for a variance on competitive bids let by a county, municipality, or any instrumentality thereof to certain local bidders; to provide that competitive bidding requirements shall not apply to existing contracts up for renewal for recycling between municipalities and counties and those providing the service; to provide for an increase in the minimum expenditures for the leasing of heavy duty off-highway equipment; and to provide that all original bids together with all documents pertaining to the award of the contract shall be retained for a period of seven years from the date the bids are opened.

was read a third time at length and passed.

Yeas 78; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Boyd, Burke, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Murphree, Newton (D), Page, Papucci, Payne, Penry, Petelos, Pringle, Robinson, Rogers (J), Sanderford, Seibenhener, Sims, Spratt, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

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PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative Hilliard intended to vote "Yea" on passage of the bill, S. 56.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Turner, the Budget Isolation Resolution relating to the bill, S. 205, was adopted.

Yeas 87; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Box, Boyd, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Seibenhener, Sims, Spratt, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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And the bill:

S. 205. To amend Section 11-43-144, Code of Alabama 1975; to provide further for compensation for death or disability of fire fighters from occupational diseases.

was read a third time at length and passed.

Yeas 83; Nays 0.

Yea:

Mr. Speaker, Baker, Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Knight (A), Laird, Layson, Letson, Lindsey, Maull, McAdory, McDaniel, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (T), Payne, Penry, Petelos, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Venable, Warren, White, Willis and Wren.

-83

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Guin, the Budget Isolation Resolution relating to the bill, S. 95, was adopted.

Yeas 85; Nays 1.

Yea:

Mr. Speaker, Allen, Baker, Box, Boyd, Burke, Buskey, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Kennedy, Knight (A), Knight (J), Laird, Layson, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (D), Page, Papucci, Parker (P), Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Seibenhener, Sims, Spratt, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-85

Nay:

Representative Payne.

- 1

And the bill:

S. 95. (With Substitute) (With Amendment): To provide further for information to be contained on documents conveying an interest in real property that are offered for recordation in the office of probate judge, and to provide for an effective date.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on State Administration, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To provide further for information to be contained on documents conveying an interest in real property that are offered for recordation in the office of probate judge, and to provide for an effective date.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. (a) No judge of probate shall receive for record or permit the recording of any instrument in which the title to real property, or any interest in real property is conveyed, granted, or otherwise disposed of except those

conveyances through intestate estates, by will, gift, or mortgage, or through court order, unless the instrument has endorsed on it, or attached to it, a printed, typewritten, or stamped statement showing the name and address of the individual who prepared the instrument as required under Section 35-4-110, Code of Alabama 1975, the mailing address of the grantee or other person to whom ad valorem tax statements and other notices regarding ad valorem taxes should be sent. The grantee shall also offer proof of the purchase price of the property conveyed to the clerk in the office of the judge of probate where the deed is to be recorded. Proof of the purchase price of the property conveyed shall consist of a copy of the cancelled check of the sale, a copy of the closing statement, or any other document verifying the purchase price. In the alternative, a statement of the purchase price of the property conveyed may be made under oath by the grantee who signs the statement.

(b) An instrument is in compliance with this act if it contains a statement substantially in the following form:

" S e n d a d v a l o r e m t a x n o t i c e t o (N a m e)
_____ (Address) _____.

"The purchase price of the property conveyed in this transaction is
_____. The stated purchase price is true and correct. The undersigned certifies the correctness of the purchase price as he or she knows it and this certification is made under oath.

Grantee"

(c) The failure of the statement to comply with this act or the absence of the statement shall not invalidate or adversely affect the instrument or the conveyance made by the instrument.

Section 2. This act shall become effective October 1, 1995, after its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 70; Nays 5.

Yea:

Mr. Speaker, Black (L), Black (M), Box, Burke, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dukes, Flowers, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hayden, Hill, Hilliard, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J),

Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Parker (P), Parker (T), Penry, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Thomas (D), Turner, Vance, Venable, Warren, White, Willis and Wren.

-70

Nay:

Representatives Carns, Dolbare, Layson, McKee and Payne.

- 5

AMENDMENT OFFERED

The question was then on the adoption of the amendment reported by the Standing Committee on State Administration, said committee amendment being as follows:

Amend Substitute to Senate Bill 95 on page 3, Section 1, by adding after the word "grantee" the following: or Agent of Grantee

MOTION TO CARRY OVER OFFERED

Representative White offered the motion to carry over the bill S. 95, as amended, and the pending committee amendment to the thirtieth legislative day.

MOTION TO TABLE LOST

The motion offered by Representative McMillan to table the motion offered by Representative White to carry over the bill, S. 95, as amended, and the pending committee amendment to the thirtieth legislative day was lost.

Yeas 34; Nays 35.

Yea:

Mr. Speaker, Black (M), Box, Boyd, Burke, Clouse, Crigler, Galliher, Gaston, Gipson, Guin, Hall (L), Hamilton, Hammett, Haney, Hawk, Hogan, Johnson (E), Kennedy, Knight (J), Maull, McMillan, Morrow, Murphree, Newton (D), Page, Parker (P), Penry, Pringle, Sims, Spratt, Vance, Willis and Wren.

-34

Nay:

Representatives Allen, Carns, Collins, Dolbare, Dukes, Flowers, Gaines, Graham, Hall (A), Hawkins, Hayden, Hill, Hilliard, Hinshaw, Houston, Jackson, Knight (A), McAdory, McKee, Melton, Minnifield, Morrison, Newton (C), Parker (T), Payne, Perdue, Robinson, Rogers (J), Rogers (M), Seibenhener, Smith, Thomas (D), Townsend, Turner and White.

-35

S. 95 CARRIED OVER

The question was then on the motion offered by Representative White to carry over the bill, S. 95, as amended, and the pending committee amendment to the thirtieth legislative day, and the motion was adopted.

Yeas 39; Nays 38.

Yea:

Representatives Allen, Buskey, Carns, Clark (W), Flowers, Gaines, Graham, Guin, Hall (A), Hall (L), Hawkins, Hayden, Hill, Hinshaw, Houston, Jackson, Lindsey, McAdory, McKee, Melton, Minnifield, Morrow, Newton (C), Page, Parker (T), Payne, Perdue, Petelos, Robinson, Rogers (J), Rogers (M), Sims, Smith, Spratt, Thomas (D), Turnham, Warren, White and Willis.

-39

Nay:

Representatives Black (M), Box, Boyd, Burke, Crigler, Dukes, Fuller, Galliher, Gaston, Gipson, Hamilton, Hammett, Haney, Hawk, Hilliard, Hogan, Johnson (E), Kennedy, Knight (A), Knight (J), Maull, McClammy, McMillan, Millican, Morrison, Morton, Murphree, Newton (D), Papucci, Parker (P), Penry, Pringle, Sanderford, Townsend, Turner, Vance, Venable and Wren.

-38

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 260. To make an appropriation of \$100,000 from the Alabama Special Educational Trust Fund to the Epilepsy Foundation of North and Central Alabama for the fiscal year ending September 30, 1996 and to require an operations plan and audited financial statement prior to release of any funds.

Also:

H. 261. To make an appropriation of \$307,615 from the Alabama Special Educational Trust Fund to the Helen Keller Eye Research Foundation for the fiscal year ending September 30, 1996, and to require an operations plan and audited financial statement prior to release of any funds.

Also:

H. 616. To establish the Alabama Residential Energy Code Board for the purpose of promoting and overseeing the implementation of the Model Energy Code and advising the Science, Technology, and Energy Division of the Alabama Department of Economic and Community Affairs on matters relating to the Model Energy Code; to provide for the method of appointment of members to the board and their purposes, functions, duties, and activities; and to provide for the mandatory implementation of and adherence to the Model Energy Code if a unit of local government so chooses to adopt it in whole or in part.

Also:

H. 668. To make an appropriation from the Alabama Special Educational Trust Fund in the State Treasury to the Alabama Sports Festival in the amount of \$75,000 for the fiscal year ending September 30, 1996 and to require an operations plan and audited financial statement prior to the release of any funds.

McDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Presiding Officer of the Senate having signed the following Senate Bill, your signature thereto is requested:

S. 512. Relating to business corporations; to repeal Section 10-2B-15.02, Code of Alabama 1975, which provides consequences for failure of foreign corporations to qualify with the Secretary of State before transacting business in Alabama, and to reinstate the penalties and consequences previously existing in Alabama for failure to so qualify.

McDOWELL LEE
Secretary

SIGNING OF SENATE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Presiding Officer of the Senate having signed the following Senate Bills, your signature thereto is requested:

S. 523. To amend Section 15-23-42 of the Code of Alabama 1975; to provide for the termination of the confidential communications privilege of a crime victim counselor upon the death of the victim.

Also:

S. 406. To provide requirements for a drug-free workplace program which enables an employer in the program to qualify for a premium discount on Workers' Compensation insurance; to provide for substance abuse testing procedures relating to the program; to provide for Employee Assistance Programs; to provide for confidentiality of certain information; and to provide for the Department of Industrial Relations to perform certain administrative duties related to the program.

Also:

S. 39. To amend Section 9-11-7 of the Code of Alabama 1975, to authorize a district attorney's fee to be taxed against the defendant in the district courts of this state in cases involving violations of the game and fish laws or rules and regulations in the same manner as a district attorney's fee is taxed and collected in all other cases in the district courts of this state.

Also:

S. 5. To amend Section 13A-12-231, Code of Alabama 1975, relating to trafficking in cannabis, cocaine, and other illegal drugs, so as to further provide that a person who knowingly sells, manufactures, delivers, or brings into this state, or who knowingly is in actual or constructive possession of in excess of one kilo or 2.2 pounds of any part of a cannabis plant would be guilty of trafficking in cannabis.

McDOWELL LEE
Secretary

SIGNING OF SENATE BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the foregoing Message from the Senate.

MESSAGE FROM THE GOVERNOR

To The House of Representatives of Alabama
Alabama State House
Montgomery, Alabama 36130

Ladies and Gentlemen:

I transmit herewith to you a message from the Governor, returning House Bill No. 754, without the Governor's signature and with a suggested Executive Amendment.

Done this 25th day of July, 1995.

Respectfully submitted,

WILLIAM P. GRAY
Legal Advisor to the Governor

MESSAGE FROM THE GOVERNOR

To The House of Representatives of Alabama
Alabama State House
Montgomery, Alabama 36130

Ladies and Gentlemen:

I am returning to you, the body in which it originated, House Bill No. 754, without my signature, but with the following suggested Executive Amendment:

EXECUTIVE AMENDMENT TO HOUSE BILL NUMBER 754:

Please amend House Bill No. 754 on page 3, by deleting "subsection (c)" in its entirety, beginning on line 12 and continuing through page 4, line 9 ending with the word "unit."

Also on page 4, line 10, change the letter "(d)" to the letter "(c)". Also on line 18 of this page, change the letter "(e)" to the letter "(d)".

Further amend on page 4, line 10, by deleting the language "by April 1, 1991, amend". Also amend on this line by inserting the word "maintain" after the word "shall," and before the word "the".

Further amend on page 4, on lines 14 and 15, by deleting the language "based upon the inventories set forth in subsection (c) above."

Further amend on page 4, line 17 by deleting the words "filed following this date" and placing the period "." after the word "applications".

Further amend on page 6, line 21, by inserting after the date "April 10, 1995," and before the word "is" the following language "for facilities which have agreed to the provisions of the June 21, 1995 Consent Decree,".

Further amend on page 6, line 23, after the sentence ending with the word "subsection" by adding the following sentence, "In addition, any facility which was granted an exemption by the SHPDA prior to April 10, 1995, is ratified and confirmed and shall be deemed to have been approved as of the latter of the actual date approved or March 3, 1995 and to have been granted in accordance with this subsection."

The adoption of the above suggested Executive Amendment will remove my objections to this bill.

Done on this the 25th day of July, 1995.

Respectfully,

FOB JAMES, JR.
Governor

GOVERNOR'S MESSAGE

On motion of Representative Knight (A), the House concurred in and adopted the amendment proposed by His Excellency, the Governor, to the bill, H. 754, said Governor's amendment being set out in the foregoing Message from the Governor.

Yeas 89; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Boyd, Burke, Carns, Carothers, Clark (W), Clouse, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A),

Knight (J), Laird, Layson, Letson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Townsend, Turner, Vance, Venable, Warren, White and Willis.

-89

MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Burke, the rules were suspended in order to take up out of order the Budget Isolation Resolution and the bill, H. 868.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Burke, the Budget Isolation Resolution relating to the bill, H. 868, was adopted.

Yeas 81; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Box, Boyd, Burke, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Dean, Dolbare, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McKee, Melton, Millican, Minnifield, Morrison, Morrow, Morton, Murphree, Newton (D), Page, Papucci, Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sims, Smith, Spratt, Thomas (D), Townsend, Turner, Vance, White, Willis and Wren.

-81

And the bill:

H. 868. Relating to general provisions under contracts; to provide that a party to a contract required to reimburse another party for certain federal manufacturer's taxes has an option to time those payments to precede immediately the other party's requirement to remit such taxes to the Internal Revenue Service; to provide for a right to security under contracts for payment of such taxes; and to provide for an effective date.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 87; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Box, Boyd, Burke, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, McAdory, McClammy, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (D), Page, Papucci, Parker (P), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Thomas (D), Townsend, Turner, Turnham, Vance, Warren, White, Willis and Wren.

-87

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 262. To make an appropriation of \$106,250 from the Alabama Special Educational Trust Fund to the Central Alabama Opportunities Industrialization Center for the fiscal year ending September 30, 1996 and to require an operations plan and audited financial statement prior to release of any funds.

Also:

H. 264. To make an appropriation of \$17,681 from the Alabama Special Educational Trust Fund to the Alabama YMCA Youth and Government for the fiscal year ending September 30, 1996, and to require an operations plan and audited financial statement prior to release of any funds.

McDOWELL LEE
Secretary

SPECIAL ORDER CALENDAR RESUMED

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Turner, the Budget Isolation Resolution relating to the bill, S. 457, was adopted.

**REGULAR SESSION
28th Day**

3717

Yeas 71; Nays 3.

Yea:

Mr. Speaker, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carothers, Clark (W), Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hammett, Hawk, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Letson, Lindsey, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Morrison, Morton, Murphree, Newton (D), Page, Papucci, Payne, Penry, Perdue, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sims, Smith, Spratt, Thomas (D), Townsend, Turner, Turnham, Venable, White, Willis and Wren.

-71

Nay:

Representatives Hall (A), McKee and Minnifield.

- 3

And the bill:

S. 457. Reopening the Employees' Retirement System to allow certain members of the system an opportunity to purchase credit in the system for certain prior service rendered in the office of a local district attorney or as a court reporter, or for both.

was read a third time at length and passed.

Yeas 69; Nays 11.

Yea:

Mr. Speaker, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carothers, Clark (W), Crigler, Curry, Dean, Dolbare, Dukes, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hammett, Hawk, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Letson, Lindsey, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Morrow, Morton, Murphree, Newton (D), Page, Papucci, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sims, Spratt, Thomas (D), Townsend, Turner, Turnham, Venable, White, Willis and Wren.

-69

Nay:

Representatives Allen, Carns, Clouse, Ford, Hall (A), Hawkins, McKee, Minnifield, Moore, Payne and Seibenhener.

-11

BUDGET ISOLATION RESOLUTION OFFERED

Representative Petelos offered the motion to adopt the Budget Isolation Resolution relating to the bill, S. 118.

MOTION TO ADJOURN ADOPTED

Representative Dolbare offered the motion that when the hour of 9:00 o'clock p.m. arrives, the House stand in adjournment until 10:00 o'clock a.m. on Wednesday, July 26, 1995, and the motion was adopted.

SPECIAL ORDER CALENDAR RESUMED**BUDGET ISOLATION RESOLUTION ADOPTED**

The question was then on the adoption of the Budget Isolation Resolution offered by Representative Petelos to the bill, S. 118, and the Budget Isolation Resolution was adopted.

Yeas 63; Nays 0.

Yea:

Mr. Speaker, Allen, Black (M), Box, Boyd, Burke, Carns, Carothers, Clouse, Crigler, Curry, Dolbare, Dukes, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Knight (A), Laird, Lindsey, McAdory, McDaniel, Melton, Millican, Moore, Morrison, Morrow, Morton, Murphree, Page, Papucci, Parker (P), Payne, Perdue, Robinson, Rogers (J), Rogers (M), Sanderford, Sims, Smith, Thomas (D), Townsend, Turnham, Vance, Warren, White and Willis.

-63

And the bill:

S. 118. To amend Section 30-2-51, Code of Alabama 1975, to provide for discretionary inclusion of certain retirement benefits within a spousal estate when the court determines an allowance upon the grant of a divorce if certain conditions are met.

was read a third time at length and passed.

Yeas 71; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Boyd, Burke, Carns, Carothers, Clouse, Crigler, Dean, Dolbare, Dukes, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Lindsey, McAdory, McDaniel, McKee, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Murphree, Newton (C), Page, Papucci, Parker (T), Payne, Perdue, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Thomas (D), Townsend, Venable, Warren and Willis.

-71

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Wren, the Budget Isolation Resolution relating to the bill, S. 538, was adopted.

Yeas 89; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hogan, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Pringle, Reed, Robinson, Rogers (J), Sanderford, Seibenhener, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, Warren, Willis and Wren.

-89

And the bill:

S. 538. To repeal Section 22-11A-15, Code of Alabama 1975, which requires premarital exams and testing for syphilis.

was read a third time at length and passed.

Yeas 79; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Ford, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hilliard, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (J), Laird, Layson, Letson, Lindsey, McAdory, McClammy, McDaniel, McKee, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Perdue, Petelos, Robinson, Rogers (J), Sanderford, Seibenhener, Sims, Smith, Spratt, Townsend, Turnham, Vance, Venable, Warren, Willis and Wren.

-79

BUDGET ISOLATION RESOLUTION TEMPORARILY CARRIED OVER

On motion of Representative Hill, the Budget Isolation Resolution and the bill, S. 296, were temporarily carried over.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Wren, the Budget Isolation Resolution relating to the bill, S. 232, was adopted.

Yeas 81; Nays 0.

Yea:

Mr. Speaker, Baker, Black (L), Black (M), Box, Boyd, Burke, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Letson, Lindsey, McAdory, McDaniel, McKee, Melton, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Perdue, Pringle, Robinson, Rogers (J), Sanderford, Seibenhener, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, Warren, Willis and Wren.

-81

And the bill:

S. 232. To allow state employees who have received appropriate training and who volunteer for American Red Cross operations paid leave.

was read a third time at length and passed.

Yeas 82; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Letson, Lindsey, McAdory, McClammy, McDaniel, McKee, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Page, Papucci, Parker (P), Payne, Perdue, Pringle, Robinson, Rogers (J), Sanderford, Seibenhener, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, Warren, Willis and Wren.

-82

RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Representative Hall (L):

H.R. 492. COMMENDING REPRESENTATIVE JAMES THOMAS ON RECENT ELECTION AS VICE PRESIDENT OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATURES.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 274. To make an appropriation of \$42,500 from the State General Fund to the Parkinson Association of Alabama for the fiscal year ending September 30, 1996, and requires an operations plan and an audited financial statement prior to release of any funds.

Also:

H. 275. To make an appropriation of \$291,593 from the State General Fund to the Retired Senior Volunteer Program for the fiscal year ending September 30, 1996, and to require an operations plan prior to release of any funds.

Also:

H. 875. To make an appropriation of \$300,000 from the State General Fund to the Sentencing Institute for the fiscal year ending September 30, 1996, and to require an operations plan and an audited financial statement prior to release of any funds.

Also:

H. 913. To make an appropriation of \$100,000 from the State General Fund to the Shoals Entrepreneurial Center for the fiscal year ending September 30, 1996, and to require an operations plan and an audited financial statement prior to release of any funds.

Also:

H. 57. To make a conditional appropriation from the Alabama Special Education Trust Fund in the State Treasury to the House of Hope, Inc., in Prichard, Alabama, for the fiscal year ending September 30, 1995.

Also:

H. 277. To make an appropriation of \$56,347 from the State General Fund to the America's Junior Miss Pageant for the fiscal year ending September 30, 1996, and to require an operations plan and an audited financial statement prior to release of any funds.

Also:

H. 276. To make an appropriation of \$13,041 from the State General Fund to the Alabama's Junior Miss Pageant for the fiscal year ending September 30, 1996, and requires an operations plan and an audited financial statement prior to release of any funds.

Also:

H. 874. To make an appropriation of \$42,761 from the State General Fund to the Tri-Rivers Waterway Development Authority for the fiscal year ending September 30, 1996, and to require an operations plan and an audited financial statement prior to release of any funds.

Also:

H. 876. To make an appropriation of \$49,933 from the State General Fund to the Warrior-Tombigbee Development Association for the fiscal year ending September 30, 1996, and to require an operations plan and an audited financial statement prior to release of any funds.

Also:

H. 273. To make an appropriation of \$18,600 from the State General Fund to the Lighthouse Counseling Center for the fiscal year ending September 30, 1996, and to require an operations plan and an audited financial statement prior to release of any funds.

Also:

H. 272. To make an appropriation of \$325,000 from the State General Fund to the Alabama Kidney Foundation, Inc. for the fiscal year ending September 30, 1996, and to require an operations plan and an audited financial statement prior to release of any funds.

Also:

H. 761. To make an appropriation of \$20,000 from the Alabama Special Educational Trust Fund to the Exploreum Museum of Discovery for the fiscal year ending September 30, 1996, and to require an operations plan and audited financial statement prior to release of any funds.

Also:

H. 848. To create the Alabama Drug Education and Awareness Oversight Council; to provide for membership, powers, and functions of the council; to provide for grants for drug education and awareness programs from state appropriations; and to provide for assistance to the council.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the foregoing Report of the Standing Committee on Rules.

SPECIAL ORDER CALENDAR RESUMED**BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Jorgensen, the Budget Isolation Resolution relating to the bill, S. 342, which was previously temporarily carried over was adopted.

Yeas 75; Nays 0.

Yea:

Mr. Speaker, Allen, Black (M), Box, Burke, Buskey, Carns, Carothers, Clouse, Collins, Crigler, Dean, Dolbare, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Graham, Guin, Hall (A), Hall (L), Haney, Hawk, Hawkins, Hayden, Hill, Hinshaw, Hogan, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McKee, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Perdue, Pringle, Robinson, Rogers (J), Sanderford, Seibenhener, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Willis and Wren.

-75

And the bill:

S. 342. Amending Sections 16-47-10 and 16-52-12, Code of Alabama 1975, permitting police officers of the University of Alabama and Jacksonville State University to carry persons arrested to the nearest municipal court; and specifying the arrest powers of police officers of the University of Alabama.

was read a third time at length and passed.

Yeas 80; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Box, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hinshaw, Hogan, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Lindsey, McAdory, McClammy, McDaniel, McKee, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci,

Parker (P), Parker (T), Payne, Perdue, Pringle, Reed, Robinson, Rogers (J), Sanderford, Sanderson, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, Warren, Willis and Wren.

-80

S. 88 TAKEN UP

And the bill:

S. 88. (With Amendments): To provide that an incorporated municipality may regulate and license junkyards within its police jurisdiction to the same extent as if the junkyard located in its corporate limits and a county may regulate and license junkyards outside the police jurisdiction of municipalities in the county to the same extent; and to exempt scrap metal processors.

which was previously temporarily carried over was taken up.

The question was then on the adoption of the amendment #1 reported by the Standing Committee on Commerce, Transportation and Utilities, said committee amendment being as follows:

Amend S. 88 on Page 2, line 2, after the word "SCRAP" by striking the word ~~METAL~~

Further amend the bill on Page 2, line 7, after the words "nonferrous metals" by inserting the following: , or other recyclable materials,

Further amend the bill on Page 2, beginning on line 15, after the period by striking the remainder of said lines in their entirety

AMENDMENT ADOPTED

And the amendment #1 was adopted.

Yeas 29; Nays 4.

Yea:

Mr. Speaker, Box, Burke, Crigler, Ford, Gaston, Gipson, Guin, Hammett, Hilliard, Hogan, Hooper, Houston, Johnson (E), Jorgensen, Lindsey, McAdory, McDaniel, Papucci, Parker (P), Payne, Pringle, Rogers (J), Sanderford, Sanderson, Smith, Turnham, Vance and Venable.

-29

Nay:

Representatives Clouse, Dolbare, Graham and Minnifield.

- 4

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

The question was then on the adoption of the amendment #2 reported by the Standing Committee on Commerce, Transportation and Utilities, said committee amendment being as follows:

Amend S. 88 on Page 1, line 19 by striking the words ~~regulate and~~

Further amend on Page 1, line 21, by striking the words ~~regulate and~~

Further amend beginning on Page 1, line 35 by striking the following: ~~The term shall include garbage dumps and sanitary fills.~~

Further amend on Page 2, line 11, by striking ~~regulate and~~

Further amend on Page 2 line 13, by striking ~~regulate and~~

Further amend on Page 2, line 17, by striking the word ~~regulate~~ and inserting in lieu thereof the word license

Further amend on Page 2, line 19, by adding the following new Sections and renumbering the remaining Sections accordingly:

Section 3. Any incorporated municipality and any county shall have the authority, by adoption of local ordinance or regulation, to establish criteria to issue or revoke licenses as provided herein.

Section 4. Nothing in this act shall be deemed to supersede or alter the authority of the State of Alabama, and any of its agencies and departments, to regulate junkyards or issue permits relating to junkyards.

AMENDMENT ADOPTED

And the amendment #2 was adopted.

Yeas 29; Nays 9.

Yea:

Mr. Speaker, Black (M), Box, Clouse, Crigler, Flowers, Gaston, Gipson, Guin, Hawk, Hilliard, Hogan, Jorgensen, Lindsey, McAdory, McClammy, McDaniel, Moore, Morrison, Murphree, Newton (C), Papucci, Parker (P), Pringle, Sanderford, Smith, Spratt, Turnham and Vance.

-29

Nay:

Representatives Dean, Dolbare, Dukes, Graham, Hayden, Hinshaw, Layson, McKee and Page.

- 9

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

AMENDMENT OFFERED

Representative Sims offered the following amendment to the bill, S. 88, as amended:

On page 1, delete lines 21, 22, and 23 in their entirety and insert in lieu thereof: limits; and to exempt scrap metal processors.

On page 2, delete lines 13, 14, and 15 in their entirety and insert in lieu thereof: within its corporate limits. This

AMENDMENT TABLED

On motion of Representative McDaniel, the amendment offered by Representative Sims to the bill, S. 88, as amended, was tabled.

Yeas 21; Nays 18.

Yea:

Mr. Speaker, Box, Burke, Clouse, Crigler, Flowers, Gipson, Graham, Hammett, Haney, Hawk, Houston, Johnson (E), McDaniel, Moore, Murphree, Sanderford, Spratt, Turnham, Vance and Venable.

-21

Nay:

Representatives Black (M), Carns, Dean, Dolbare, Dukes, Gaston, Guin, Hawkins, Hayden, Hogan, McAdory, McKee, Millican, Morrison, Payne, Pringle, Townsend and Willis.

-18

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, S. 88, as amended, was read a third time at length and passed.

Yeas 27; Nays 25.

Yea:

Mr. Speaker, Box, Boyd, Burke, Clouse, Crigler, Flowers, Galliher, Gaston, Gipson, Hammett, Hawk, Hilliard, Johnson (E), McClammy, McDaniel, Melton, Moore, Morrison, Murphree, Parker (P), Perdue, Robinson, Spratt, Turnham, Vance and Venable.

-27

Nay:

Representatives Black (M), Collins, Dean, Dolbare, Dukes, Graham, Guin, Hall (A), Hayden, Hinshaw, Hogan, Houston, Knight (J), Layson, McAdory, McKee, Millican, Minnifield, Page, Payne, Pringle, Sims, Smith, Townsend and Willis.

-25

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MESSAGE FROM THE SENATE

Mr Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 598. To amend Section 28-3-11, Code of Alabama 1975, relating to the export of alcoholic beverages to another state to specifically exempt alcoholic beverages purchased from the Alcoholic Beverage Control Board for export to another country from taxes collected by the board.

Also:

H. 784. To make an appropriation of \$129,081 from the Alabama Special Educational Trust Fund to the Alabama League for the Advancement of Education for the fiscal year ending September 30, 1996, and to require an operations plan and audited financial statement prior to release of any funds.

Also:

H. 675. To amend Section 41-22-5 of the Code of Alabama 1975, relating to the procedure for the adoption of rules pursuant to the Alabama Administrative Procedure Act, to provide that a rule of the repeal of a rule issued by the Department of Revenue which increases any taxes, fees, or other revenues administered by the department shall not be valid.

McDOWELL LEE
Secretary

CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the House Bills and House Joint Resolution mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 12:40 P.M. on July 25, 1995.

H. 240	H. 10
H. 241	H. 254
H. 242	H. 252
H. 238	H. 42
H. 8	

Delivered to the Governor at 2:38 P.M. on July 25, 1995.

H. 714	H. 833
H. 745	H. 879
H. 764	H. 880
H. 782	H. 908
H. 892	H. 914
H. 890	H. 916
H. 734	H. 923
H. 619	H. 942
H. 472	H. 943
H. 251	H. 304
H. 253	H. 246
H. 810	H. 247

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Delivered to the Secretary of State at 2:30 P.M. on July 25, 1995.

H. 351 (Constitution Amendment)

H. 661 (Constitution Amendment)

Delivered to the Governor at 3:44 P.M. on July 25, 1995.

H. 858

H. 553

Delivered to the Governor at 4:25 P.M. on July 25, 1995.

H. 385

H. 547

H. 835

H. 102

H. 286

H. 525

H. 503

H.J.R. 361

Delivered to the Governor at 5:30 P.M. on July 25, 1995.

H. 25

H. 558

H. 60

H. 759

H. 156

H. 16

H. 297

H. 449

H. 340

H. 750

Delivered to the Governor at 6:45 P.M. on July 25, 1995.

H. 228

H. 218

H. 806

Delivered to the Governor at 7:05 P.M. on July 25, 1995.

H. 20	H. 614
H. 425	H. 178
H. 690	H. 299
H. 474	

Delivered to the Governor at 7:50 P.M. on July 25, 1995.

H. 383	H. 270
H. 266	H. 271
H. 267	H. 877
H. 268	

Delivered to the Governor at 8:53 P.M. on July 25, 1995.

H. 274	H. 874
H. 275	H. 876
H. 875	H. 273
H. 913	H. 272
H. 57	H. 761
H. 277	H. 848
H. 276	

GREG PAPPAS
Clerk

ADJOURNMENT

The hour of 9:00 o'clock p.m. having arrived, the Speaker, pursuant to the motion offered by Representative Hammett, heretofore adopted, declared the House adjourned until 10:00 o'clock a.m., Wednesday, July 26, 1995.